

Public Document Pack

Mid Devon District Council

Scrutiny Committee

Monday, 11 October 2021 at 2.15 pm
Exe Room, Phoenix House, Tiverton

Next ordinary meeting
Monday, 8 November 2021 at 2.15 pm

PLEASE NOTE: - this meeting will take place at Phoenix House and members of the Public and Press are encouraged to attend via Zoom wherever possible. The attached Protocol for Hybrid Meetings explains how this will work. Please do not attend Phoenix House without contacting the committee clerk in advance, in order that numbers of people can be appropriately managed in physical meeting rooms.

Join Zoom Meeting

<https://zoom.us/j/92601267589?pwd=S24zbittUEZjVTNGRUt0NHF5Qk9Jdz09>

Meeting ID: 926 0126 7589

Passcode: 194175

One tap mobile

08003582817,,92601267589#,,,,*194175# United Kingdom Toll-free

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Membership

Cllr B G J Warren

Cllr G Barnell

Cllr E J Berry

Cllr Mrs F J Colthorpe

Cllr L J Cruwys

Cllr Mrs S Griggs

Cllr P J Heal

Cllr F W Letch

Cllr S Pugh

Cllr R F Radford

Cllr Mrs E J Lloyd

Cllr A Wilce

AGENDA

Members are reminded of the need to make declarations of interest prior to any discussion which may take place

- 1 **APOLOGIES AND SUBSTITUTE MEMBERS**
To receive any apologies for absence and notices of appointment of substitute Members (if any).
- 2 **HYBRID MEETINGS PROTOCOL** (*Pages 5 - 12*)
Members to note the Hybrid Meetings Protocol.
- 3 **DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT**
Councillors are reminded of the requirement to declare any interest, including the type of interest, and reason for that interest, either at this stage of the meeting or as soon as they become aware of that interest.
- 4 **PUBLIC QUESTION TIME**
To receive any questions relating to items on the Agenda from members of the public and replies thereto.

Note: A maximum of 30 minutes is allowed for this item.
- 5 **MINUTES OF THE PREVIOUS MEETING** (*Pages 13 - 22*)
Members to consider whether to approve the minutes as a correct record of the meeting held on 13th September 2021.

The Committee is reminded that only those members of the Committee present at the previous meeting should vote and, in doing so, should be influenced only by seeking to ensure that the minutes are an accurate record.
- 6 **DECISIONS OF THE CABINET**
To consider any decisions made by the Cabinet at its last meeting that have been called-in.
- 7 **CHAIRMAN'S ANNOUNCEMENTS**
To receive any announcements that the Chairman of Scrutiny Committee may wish to make.
- 8 **CABINET MEMBER FOR FINANCE** (*Pages 23 - 24*)
Members to receive an update from the Cabinet Member for Finance
- 9 **UPDATE ON CUSTOMER EXPERIENCE WORKING GROUP RECOMMENDATIONS** (*Pages 25 - 36*)
To receive an updated from the Corporate Manager for Digital Transformation and Customer Engagement on the Customer Experience Working Group recommendations

- 10 **ANNUAL REPORT OF COMPLAINTS AND COMPLIMENTS** *(Pages 37 - 50)*
To receive the Annual Report of Complaints and Compliments
- 11 **FORWARD PLAN** *(Pages 51 - 64)*
Members are asked to consider any items within the Forward Plan that they may wish to bring forward for discussion at the next meeting.
- 12 **SCRUTINY OFFICER UPDATE**
- 13 **BIO ENERGY INDUSTRY PROPOSAL FORM** *(Pages 65 - 70)*
Members to receive a work proposal form on the Bio Energy Industry and to decide if this should be added to the work programme.
- 14 **WORK PLAN** *(Pages 71 - 78)*
Members are asked to note the current Work Plan for the municipal year.
Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.
- 15 **ACCESS TO INFORMATION - EXCLUSION OF PRESS AND PUBLIC**
During discussion of the following item it may be necessary to pass the following resolution to exclude the press and public having reflected on Article 12 12.02(d) (a presumption in favour of openness) of the Constitution. This decision may be required because consideration of this matter in public may disclose information falling within one of the descriptions of exempt information in Schedule 12A to the Local Government Act 1972. The committee will need to decide whether, in all the circumstances of the case, the public interest in maintaining the exemption, outweighs the public interest in disclosing the information.
- To consider passing the following resolution so that exempt information may be discussed.
- Recommended that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the next item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 respectively of Part 1 of Schedule 12A of the Act, namely information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 16 **CONTRACT DISPUTE SETTLEMENT 2020-2021** *(Pages 79 - 82)*
To provide Scrutiny with an update on a specific payment made in the 2020/21 financial year.

Stephen Walford
Chief Executive
Friday, 1 October 2021

Covid-19 and meetings

From 7 May 2021, the law requires all councils to hold formal meetings in person. However, the Council is also required to follow government guidance about safety during the pandemic. The Council will enable all people to continue to participate in meetings via Zoom.

You are strongly encouraged to participate via Zoom to keep everyone safe - there is limited capacity in meeting rooms if safety requirements are to be met. There are restrictions and conditions which apply to those in the building and the use of the building. You must not attend a meeting at Phoenix House without complying with the requirements in the new protocol for meetings. You must follow any directions you are given.

Please read the new meeting protocol which is available here: [Hybrid Protocol - September 2021.pdf \(middevon.gov.uk\)](#)

If you want to ask a question or speak, email your full name to Committee@middevon.gov.uk by no later than 4pm on the day before the meeting. This will ensure that your name is on the list to speak and will help us ensure that you are not missed – as you can imagine, it is easier to see and manage public speaking when everyone is physically present in the same room. Notification in this way will ensure the meeting runs as smoothly as possible.

If you would like a copy of the Agenda in another format (for example in large print) please contact Carole Oliphant on:

E-Mail: coliphant@middevon.gov.uk

Public Wi-Fi is available in all meeting rooms.

1.

Mid Devon District Council – Hybrid Meeting Protocol

1. Introduction

Remote meetings via Zoom have been used during the Covid-19 pandemic in accordance with the temporary legislation. That legislation ceases to apply from 7 May 2021. However, Covid-19 legislation and guidance continues in place and this places specific requirements for meetings in relation to health and safety, risk assessments and related matters.

The Council has therefore put in place temporary arrangements which will enable meetings to take place in compliance with legislation, whilst providing alternative participation opportunities to maintain a Covid-19 safe environment. All are asked to remember that the Council's offices at Phoenix House are not just meeting rooms – they are the place of employment for many and there are implications beyond just how the meetings are held.

The arrangements set out in this Protocol will apply to meetings from 7 May 2021 until further notice. At the date of this Protocol, it is expected that arrangements may change later this year – because the Government may change the law, the Covid-19 pandemic may have further receded and/or the Council makes alternative arrangements.

2. Hybrid arrangements – how will they work?

The primary objective is to ensure that meetings can continue as safely as possible and that the rights of Members and the Public are not diminished simply because the meeting is being held through a mix of online and face-to-face means. The Chairman will retain control and discretion over the conduct of the meeting and the Zoom host will provide administrative support to facilitate the meeting.

Please note that, exceptionally, meeting arrangements may change – in response to legislation, court decisions, or risk. This may include a meeting being postponed, or the hybrid arrangements changing or being withdrawn. We ask that you check the arrangements in advance of joining or attending the meeting.

(a) Members (councillors) entitled to vote

All Members entitled to vote in a meeting must be present in the same room – if they are to be classed as 'present' (count towards the quorum) and to cast a vote. If a Member entitled to vote is not in the room, they may still participate via Zoom (see below), but they will not be present (quorum) nor be able to vote.

(b) Other Members, Officers and the Public

The Council will use Zoom to enable all other Members, officers and the Public to attend and participate in meetings safely. Zoom will be enabled in all public meetings. Those attending the meeting physically will be able to see and hear Zoom participants via the existing large TV/monitor screens in the meeting rooms.

Those on Zoom will be able to hear Members in the room and see them – although this will be a whole room view and there will be no zooming in on individual members. It is essential therefore those Members present in the room use the microphones at all times and identify themselves before speaking.

There will be some Officers in the room – the Committee Administrator, the Zoom host and, at times, an additional support officer. There may also be a meeting room host to manage the safety of the meeting. All other Officers should use Zoom, unless they are specifically invited into the room by the Chairman of the meeting.

3. Zoom

Zoom is the system the Council will be using for those attending Hybrid meetings remotely. It has functionality for audio, video, and screen sharing and you do not need to be a member of the Council or have a Zoom account to join a Zoom meeting.

4. Access to documents

Member Services will publish the agenda and reports for committee meetings on the Council's website in line with usual practice. Paper copies of agendas will only be made available to those who have previously requested this and also the Chair of a meeting.

If any other Member wishes to have a paper copy, they must notify Member Services before the agenda is published, so they can arrange to post directly – it may take longer to organise printing, so as much notice as possible is appreciated.

The Public should continue to access agendas via the Council's website - and are encouraged to do so even after the offices at Phoenix House are fully open again.

5. Setting up the Meeting for Zoom attendance

This will be done by Member Services. They will send a meeting request via Outlook which will appear in Members' Outlook calendar. Members and Officers will receive a URL link to click on to join the meeting. The Public will use the Zoom details on the front of the agenda. The telephone dial-in via Zoom will also be available.

6. Public Access and Participation

(a) Public Access:

Members of the Public will be able to use a web link and standard internet browser. This will be displayed on the front of the agenda. Members of the Public should attend a meeting via Zoom, unless there are circumstances justifying attendance in person.

If any member of the Public still wishes to attend in person, they must notify Member Services **at least 3 working days before the meeting**. Notifications must be sent by email to:

Committee@middevon.gov.uk

Day of meeting	Notice given by
Monday	Previous Wednesday
Tuesday	Previous Thursday
Wednesday	Previous Friday
Thursday	Monday
Friday	Tuesday

This will ensure that the meeting rooms do not become overcrowded.

(b) Public Participation (speaking):

Public questions will continue in line with the Council's current arrangements as far as is practicable. However, to ensure that the meeting runs smoothly and that no member of the public is missed, all those who wish to speak must register **by 4pm on the day before the meeting**. They should email their full name to Committee@middevon.gov.uk. If they wish to circulate their question in advance, that would be helpful.

At public question time, the Chair will ask each registered person to speak at the appropriate time. In the normal way, the public should state their full name, the agenda item they wish to speak to **before** they proceed with their question. Unless they have registered, a member of the public may not be called to speak, except at the discretion of the Chairman.

If a member of the public wishes to ask a question but cannot attend the meeting for whatever reason, there is nothing to prevent them from emailing members of the Committee with their question, views or concern in advance. However, if they do so, it would be helpful if a copy could be sent to Committee@middevon.gov.uk as well.

7. Arrangements for any person attending meetings at Phoenix House

Anyone attending a meeting in person must observe the following requirements:

- (a) For non-voting members, officers and the Public – are there exceptional circumstances to justify attending? If so, please notify in advance and in paragraph 6 above. It is essential that the Council knows who is attending and how many will be in the room.

- (b) Do not attend if you: have any symptoms of Covid-19; are self-isolating (with or without a positive Covid-19 test); or are in a period of post-travel quarantine.
- (c) Use the hand sanitiser which is available in the building.
- (d) Follow the directions for entering, moving around and exiting the building. Follow the instructions of any Officer present to manage the safety of the meeting and/or the Chairman.
- (e) Sign into the meeting if requested to do so – you may be asked to leave contact details
- (f) Enter and leave the building promptly – do not gather inside after the meeting has finished, or during any break in the meeting
- (g) Bring your own water/refreshments, as these will not be available for the time being.

8. Starting the Meeting

At the start of the meeting, the Member Services Officer will check all required attendees are present and that there is a quorum. If there is no quorum, the meeting will be adjourned. This applies if, during the meeting, it becomes inquorate for whatever reason.

The Chair will remind all Members, Officers and the Public attending via Zoom that **all microphones must be muted**, unless and until they are speaking. This prevents background noise, coughing etc. which is intrusive and disruptive during the meeting. The Hosting Officer will enforce this and will be able to turn off participant mics when they are not in use.

9. Declaration of Interests

Members should declare their interests in the usual way. A Member with a disclosable pecuniary interest is required to leave the room. If they are attending via Zoom, they will be moved to the waiting room for the duration of the item.

10. The Meeting and Debate

- (a) For Members and Officers physically present

Each member should raise their hand to indicate a request to speak. When called, they must identify themselves for the recording and for the benefit of those attending via Zoom. The microphone must be used when speaking – standing will make it difficult for those on Zoom to hear and is discouraged, including at meetings of Full Council.

- (b) For any person attending via Zoom

The Council will not be using the Chat function. The Chairman will call speakers in

accordance with the usual rules i.e. either at Public Question Time, or for Members and Officers, when they raise their Zoom hand to speak.

No decision or outcome will be invalidated by a failure of the Chair to call a member to speak – remote management of meetings is intensive and the Hybrid arrangements are likely to be more so. It is reasonable to expect that some requests will be inadvertently missed from time to time.

When referring to reports or making specific comments, Members and Officers should refer to the report and page number whenever possible. This will help all present or in attendance to have a clear understanding of what is being discussed.

11. Voting

Voting for meetings in person is normally through a show of hands. The Member Services Officer will announce the numerical result of the vote for the benefit of those attending via Zoom.

12. Meeting Etiquette Reminder for Zoom attendees

- Mute your microphone – you will still be able to hear what is being said.
- Only speak when invited to do so by the Chair.
- Speak clearly and please state your name each time you speak
- If you're referring to a specific page, mention the page number.

13. Part 2 Reports and Debate

There are times when council meetings are not open to the public, when confidential, or “exempt” issues – as defined in Schedule 12A of the Local Government Act 1972 – are under consideration.

If there are members of the public and press attending the meeting, then the Member Services Officer will, at the appropriate time, remove them to a waiting room for the duration of that item. They can then be invited back in when the business returns to Part 1.

Please turn off smart speakers such as Amazon Echo (Alexa), Google Home or smart music devices. These could inadvertently record phone or video conversations, which would not be appropriate during the consideration of confidential items.

14. Interpretation of standing orders

Where the Chairman is required to interpret the Council's Constitution and procedural rules and how they apply to remote attendance, they may take advice from the Member Services Officer or Monitoring Officer prior to making a ruling. However, the Chair's decision shall be final.

15. Disorderly Conduct by Members

If a Member behaves in the manner as outlined in the Constitution (persistently ignoring or disobeying the ruling of the Chair or behaving irregularly, improperly or offensively or deliberately obstructs the business of the meeting), any other Member may move 'That the member named be not further heard' which, if seconded, must be put to the vote without discussion.

If the same behaviour persists and a Motion is approved 'that the member named do leave the meeting', then (if attending via Zoom) they will be removed as a participant by the Member Services Officer.

16. Disturbance from Members of the Public

If any member of the public interrupts a meeting the Chairman will warn them accordingly. If that person continues to interrupt or disrupt proceedings the Chairman may ask the Member Services Officer to remove them as a participant from the meeting.

17. Technical issues – meeting management

If the Chairman, the Hosting Officer or the Member Services Officer identifies a problem with the systems from the Council's side, the Chairman should either declare a recess while the fault is addressed or, if the fault is minor (e.g. unable to bring up a presentation), it may be appropriate to move onto the next item of business in order to progress through the agenda. If it is not possible to address the fault, the meeting will be adjourned until such time as it can be reconvened.

If the meeting was due to determine an urgent matter and it has not been possible to continue because of technical difficulties, the Chief Executive, Leader and relevant Cabinet Member, in consultation with the Monitoring Officer, shall explore such other means of taking the decision as may be permitted by the Council's constitution.

Where any Member, Officer or the Public experience their own technical problems during the course of a meeting e.g. through internet connectivity or otherwise, the meeting will not be automatically suspended or adjourned.

18. Technical issues – Individual Responsibility (Members and Officers)

Many members, officers and the Public live in places where broadband speeds are poor, but technical issues can arise at any time for a number of reasons. The following guidelines, if followed, should help reduce disruption.

- Join public Zoom meetings by telephone if there is a problem with the internet. Before all meetings, note down or take a photograph of the front page of the agenda which has the necessary telephone numbers. Annex 1 to this protocol contains a brief step-by-step guide to what to expect
- Consider an alternative location from which to join the meeting, but staying safe and keeping confidential information secure. For officers, this may mean considering whether to come into the office, subject to this being safe and practicable (childcare etc.)

- Have to hand the telephone number of someone attending the meeting – and contact them if necessary to explain the problem in connecting
- Officers should have an 'understudy' or deputy briefed and on standby to attend and present as needed (and their telephone numbers to hand)

Phone only access to zoom meetings

(Before you start **make sure you know the Meeting ID and the Meeting Password**) – Both of these are available on the agenda for the meeting

Call the toll free number either on the meeting agenda or on the Outlook appointment (this will start with 0800 -----)

(Ensure your phone is on 'speaker' if you can)

A message will sound saying *"Welcome to Zoom, enter your meeting ID followed by the hash button"*

- **Enter Meeting ID followed by #**

Wait for next message which will say *"If you are a participant, please press hash to continue"*

- **Press #**

Wait for next message which will say *"Enter Meeting Password followed by hash"*

- **Enter 6 digit Meeting Password followed by #**

Wait for the following two messages:

"You are currently being held in a waiting room, the Host will release you from 'hold' in a minute"

Wait.....

"You have now entered the meeting"

Important notes for participating in meetings

Press ***6** to toggle between **'mute' and 'unmute'** (you should always ensure you are muted until you are called upon to speak)

If you wish to speak you can **'raise your hand'** by pressing ***9**. Wait for the Chairman to call you to speak. The Host will lower your hand after you have spoken. Make sure you mute yourself afterwards.

MID DEVON DISTRICT COUNCIL

MINUTES of a **MEETING** of the **SCRUTINY COMMITTEE** held on 13 September 2021 at 2.15 pm

Present

Councillors

B G J Warren (Chairman)
G Barnell, E J Berry, Mrs F J Colthorpe,
L J Cruwys, Mrs S Griggs, F W Letch,
S Pugh and A Wilce

Apologies

Councillor(s)

P J Heal, R F Radford and Mrs E J Lloyd

Also Present

Councillor(s)

Mrs C P Daw, R M Deed and R Evans

Also Present

Officer(s):

Andrew Jarrett (Deputy Chief Executive (S151)), Maria De Leburne (Operations Manager Legal and Monitoring), Dean Emery (Corporate Manager for Revenues, Benefits and Recovery), Simon Newcombe (Corporate Manager for Public Health, Regulation and Housing), Catherine Yandle (Operations Manager for Performance, Governance and Health & Safety), Mike Lowman (Building Services Operations Manager), Clare Robathan (Policy and Research Officer), Sarah Lees (Member Services Officer) and Sally Gabriel (Member Services Manager)

45 APOLOGIES AND SUBSTITUTE MEMBERS (00-04-15)

Apologies were received from Cllrs: P J Heal, Mrs E Lloyd and R F Radford.

46 HYBRID MEETING PROTOCOL (00-04-36)

The protocol for hybrid meetings was noted.

47 DECLARATIONS OF INTEREST UNDER THE CODE OF CONDUCT (00-05-37)

Members were reminded of the need to declare any interests when necessary.

48 PUBLIC QUESTION TIME (00-05-47)

The Chairman read a statement and questions on behalf of Mr Quinn:

My questions concern Agenda Item 9 (Possible Teckal Company) and Items 16/17 (Exclusion of the Public and Contract Dispute Settlement).

For item 9 – The possibility of a Teckal Company has been under consideration for a long time. Since January 2020, there have been two All-Member briefings from

Solicitors, an update report to Homes PDG and even a report to Cabinet that included the possible use of a Teckal Company to build properties at Post Hill.

But paragraph 3.1, of this report, shows that basic fundamental questions have still not been addressed: “What are we trying to achieve, are there other means?” and “How it could be used in conjunction with prevailing Housing Revenue Account legislation?”. Surely, these questions should have been covered already.

Homes PDG is said to be looking at the need for a Teckal vehicle to “help facilitate a step change in the delivery of social housing”. But, you do not need to create a new Teckal Company to build more Social Housing. Other companies are more than happy to tender for the work – including 3 Rivers (who have already built a Council housing development at Burlescombe).

Best Value is normally demonstrated and achieved by using the Public Tendering process. If the Council creates a Teckal company and awards contracts directly to it, then any proof of best value will be absent. This could be problematic.

The ‘Financial Implications’ section at the beginning of the report states “clearly” there will be “potential short term costs of setting up such a trading vehicle and longer term financial advantages” - but there is nothing in this report to back up this ‘throwaway’ statement. It is neither clear, nor justified in any way.

My questions are:

How will ‘Best Value’ be proven if the Council uses a Teckal Company?

When will the ‘short term costs’ and ‘longer term financial advantages’ of setting up a Teckal Company be given to Members?

For Items 16/17 – I understand that Members may wish to discuss this contract matter and your own actions, as set out in Appendix 2, without the public present.

However, the contents of Appendix 1 have already been published by the Liquidator and put into the public domain. You should not classify this public document as confidential and this Appendix should not be included in the Section 12A exemption.

My question is:

Please will Scrutiny Committee exclude Appendix 1 from the exemption motion?

The Chairman indicated that answers to the questions would be provided when the items were discussed.

49 **MINUTES OF THE PREVIOUS MEETING (00-09)**

The minutes of the previous meeting were approved as a correct record and **SIGNED** by the Chairman.

50 **DECISIONS OF THE CABINET (00-1025)**

The Committee **NOTED** that none of the decisions made by the Cabinet on 31 August 2021 had been called in.

51 CHAIRMAN'S ANNOUNCEMENTS (00-10-30)

The Chairman had no announcements to make.

52 CABINET MEMBER FOR CONTINUOUS IMPROVEMENT (00-10-43)

The Cabinet Member for Continuous Improvement was invited to address the committee:

She informed the meeting that her role was to:

- Drive business and process improvement in services across the entire span of Council activity.
- Ensure that the responsiveness and agility demonstrated by the Council throughout the pandemic was harnessed to deliver better outcomes for residents as the Council transitioned to the new normal.
- Ensure that Members and Officers were engaged in the process and understood the outcomes she was trying to achieve; she had met with Directors and Officers to understand the deadlines and performance indicators across the Council's activity.
- She had been focussing on cases and issues that had gone past their deadline. To date she had closed 40 cases and was currently working on a further 24 cases
- The cases ranged from outstanding planning applications, planning enforcement issues, issues with waste, parking, environmental health, empty properties, waste, property services and many others.
- Member engagement in this role was vital and she thanked Members who had sent her outstanding cases.
- She would be grateful if Members could continue to pass her cases and to engage her in the issues they were hearing about from their residents. She was also grateful to the Officers who have been so helpful and worked hard to resolve these cases.

Consideration was given to the important work that was taking place within the Cabinet Member's portfolio, the volume of cases and that some of the issues raised were historic and had been unresolved prior to the pandemic. The number of cases dealt with in July and August and Members also considered whether the pandemic had caused some of the backlog with officers being away from the office.

The Cabinet Member was thanked for her time.

53 INFORMATION WITH REGARD TO THE POSSIBLE CREATION OF A TECKAL COMPLIANT COMPANY (00-26-00)

The Committee had before it a * report containing information with regard to the possible creation of a Teckal compliant company prior to it being considered by Homes Policy Development Group on 14th September 2021.

The Deputy Chief Executive (S151) provided a response to the question raised in public question time stating that there had been a delay since the subject of a Teckal Company had been raised 2 years ago. He had therefore highlighted the original principles within his report. He referred to a report that was presented to the Homes

Policy Development Group in July and the Member Briefing that had taken place at the beginning of September which had been well received. With regard to the outcomes, value for money was a consideration, the committee would consider the report today and make their views known (verbally via the Chairman) to the Homes Policy Development Group that was meeting the next day; a report would then be presented to the Cabinet who would consider the legal and financial information and then a recommendation would be made to Council.

The officer then outlined the contents of the report, highlighting the presentation attached to the agenda pack, which considered the legal framework for delivering houses through companies. He stated that the Council needed to be clear with regard to how it wanted a Teckal Company to work and requested that Members provide a steer to the direction of travel for such a company.

Consideration was given to:

- Whether the aims of 3 Rivers Development Limited should be reviewed and rather than the aim to make money for the Council could it be set up to provide social housing
- Why were the Council considering the setting up of a Teckal Company and what were the implications
- The aspirations of 3 Rivers and the plans for its future
- Did 3 Rivers have a role for the Teckal Company and had the Cabinet and 3 Rivers considered this?
- The issue of Right to Buy and had the impact on the HRA been considered
- The financial options had not been considered, there were affordability issues and implications from borrowing from the PWLB
- The benefits of a Teckal Company for MDDC and what would be the desired outcomes to include any drawbacks
- How would a Teckal Company work – how would it impact on the HRA, Right to Buy and 3 Rivers. Would a Teckal Company dodge the Right to Buy – there was a need to see some modelling on all of these issues
- Whether a Teckal Company would take over from the HRA with regard to replacement houses and would such a set up control the Right to Buy
- The need to explore the issues with other councils utilising a Teckal Company and receive further information with regard to this

It was agreed that the views of the committee, as set out above would be put before the Homes Policy Development Group the following day.

Note: *Report previously circulated copy attached to minutes.

54 RECOMMENDATIONS FROM PLANNING ENFORCEMENT WORKING GROUP (00-51-48)

The Committee had before it a *report of the Planning Enforcement Working Group, considering the operation and utilisation of enforcement powers and planning conditions and aimed to identify issues to inform service improvement.

The Chairman outlined the contents of the report thanking members and officers for their input into the final report and explaining that although the report did not detail individual cases, all the comments could be backed up with detailed evidence. The

Chief Executive and senior officers had been kept fully informed of the work that was taking place and some of the suggestions raised had already been implemented.

Consideration was given to:

- Recommendation 6 – a sub group of the Planning Committee be established to monitor issues within planning enforcement – concern was raised as to whether there would be a conflict of interest for members of the Planning Committee and whether the Planning Policy Advisory Group or the Development Delivery Advisory Group would be a better route for this work or whether this was a management role. Members views differed with regard to this as it was felt that the Planning Committee agreed conditions for applications and therefore it should be that committee that monitored enforcement cases
- Whether any of the recommendations had been costed, members were referred to recommendation 12
- The views of the Corporate Manager who informed the meeting the some of the recommendations had already been considered – a Tree Officer was now in post (Rec 9), officers had been provided with tablets (Rec 4), new officers/contractors had been recruited and adverts had been placed for a new officer (Rec 1) and that he was already considering a revised Local Enforcement Plan (Rec 8)
- Recommendation 5 was also being considered by officers
- Members role in monitoring performance and ensuring the activities of officers were monitored

As some concerns had been raised with regard to Recommendation 6, the Chairman indicated that he would deal with this initially, therefore:

The Chairman **MOVED** that Recommendation 6 be included in the list of recommendations to be put before the Cabinet; upon a vote being taken, this was approved.

It was therefore:

Recommended to the Cabinet that the following recommendations be considered and actioned:

1. That the Council recruit further resource for planning enforcement so the team includes either: a Principal Planning Enforcement Officer, two Planning Enforcement Officers and trained dedicated admin support; or a Principal Planning Enforcement Officer and three Planning Enforcement Officers.
2. That the Council establish a dedicated Solicitor with planning experience to act as a direct point of reference for the Planning Department, this could potentially be a shared service with another Local Authority.

3. That the Planning Department establish a process to enable proactive monitoring of planning conditions. That a proposal for how this will be achieved is brought to the Scrutiny Committee by the Chief Executive within a month of adoption of recommendation by Council.
4. That Enforcement Officers are provided with tablets with mobile telephone connection, linked to MDDC systems, to assist on site visits so that information can be retrieved on site and allow immediate contact and consultation with management if required.
5. That internal procedures be put in place so that discretionary powers be delegated down to appropriate levels to allow enforcement officers to make relevant decisions on site.
6. That a Subgroup of the Planning Committee be established to monitor issues within Planning Enforcement. This standing Enforcement Advisory or Working Group would review performance, deadlines and outstanding cases, and report back to the Planning Committee.
7. That the free planning advice line and/or the contact telephone number be reinstated with immediate effect (as outlined by the Customer Service Working Group).
8. That the Local Enforcement Plan be rewritten to consider the views and recommendations of this report and to take into account more enhanced versions from other Local Authorities, notably the East Devon model. That the new Enforcement Plan be submitted to the Scrutiny Committee for consideration prior to submission for adoption by Planning Committee.
9. That a Tree Officer is recruited as a matter of urgency, this could potentially be a shared service with another Local Authority.
10. That the Chief Executive bring forward a proposal for making information on enforcement action more publicly available.
11. That the Development Management Manager establish a process for case management to ensure cases are monitored and followed up, so that cases are not lost within or between Departments.
12. That an implementation plan is drawn up to cost the recommendations made in this report, and passed to Cabinet for consideration.

(Proposed by the Chairman)

Notes:

- i) Cllr Mrs F J Colthorpe requested that her vote against the inclusion of Recommendation 6 be recorded;

- ii) Cllr Mrs F J Colthorpe requested that her abstention from voting with regard to the recommendations to the Cabinet be recorded;
- iii) *Report previously circulated, copy attached to minutes.

55 **PERFORMANCE AND RISK (1-26-10)**

The Committee had before it and **NOTED** a * report of the Operations Manager for Performance, Governance and Health & Safety providing an update on performance against the Corporate Plan and local service targets for 2021-2022 as well as providing an update on the key business risks.

The officer outlined the contents of the report stating that this provided results to the end of July 2021

Consideration was given to:

- The lack of information with regard to 'Net additional homes provided' and 'New Social Rent Council Houses' – it was suggested that these figures be provided quarterly rather than annually.
- National and regional promotions – this target had been increased and would be reported on an annual basis, as the promotions did not lend themselves to monthly monitoring
- Council owned property occupancy rates at Westexe, Tiverton
- The whereabouts of the Crediton Town Centre Masterplan
- Council Tax collection rates
- The submission to the MHCLG of a detailed programme for delivering additional social rented homes and that it would be helpful for members to see the bid
- The mitigating actions in place with regard to the Economic Strategy

Note: *Report previously circulated, copy attached to minutes.

56 **BRIEFING PAPER - RETURN OF RIGHT TO BUY RECEIPTS (RTB) (1-48-14)**

The Committee had before it and **NOTED** a *briefing paper provided by the Deputy Chief Executive (S151) referring to the return of Right to Buy Receipts.

The Chairman stated that this briefing paper had been brought before the committee at his request so that members had all of the information that was available with regard to this issue.

The Deputy Chief Executive informed the meeting that there had been numerous queries with regard to the return of the Right to Buy receipts and that at that time there were no plans in place to deliver social housing units and that any receipt for RTB had to (at that time) be spent within 3 years with interest payable. As the Council had no plans to build social housing because of the risk of Right to Buy, the money was returned.

Consideration was given to:

- The now slightly relaxed rules, with 5 years to spend the monies and that further lobbying was taking place to relax the Right to Buy rules
- How the decision was made and whether members should have been informed with regard to the mechanism.

Note: *Briefing paper previously circulated, copy attached to minutes.

57 **FORWARD PLAN (1-59-17)**

The Committee had before it and **NOTED**, the contents of the *Forward Plan.

Queries were raised with regard to:

- The lack of Climate Change policies within the Forward Plan
- Plans and Options for Junction 27 had not been recorded
- Dates for consideration of the Cullompton Garden Village Masterplan
- Dates for consideration of the Cullompton Regeneration Masterplan.

It was agreed that information would be sought and forwarded to members of the committee.

Note: *Plan previously circulated, copy attached to minutes.

58 **SCRUTINY OFFICER UPDATE (2-08-28)**

The Scrutiny Officer informed the meeting that:

- The Spotlight Review on Motion 564 would take place at 10am on Thursday 28 October. A plan and suggested agenda would be sent out shortly to those Members who had volunteered.
- The Programming Panel would take place on Monday 20 September, chaired by the Chairman of Scrutiny Committee.
- The Chairman had written to Connecting Devon and Somerset to requesting attendance at a future meeting to discuss broadband in the District.
- Training for the Scrutiny Committee was been confirmed for Monday 4th October at 2pm – the officer requested that every effort be made to attend as this would be externally facilitated by the CFGS.

It was also requested that an update on the S106 Improvement Project be provided.

59 **WORK PLAN (2-12-18)**

The Committee had before it, and **NOTED** the *Scrutiny Committee work plan for 2021-2022.

The Chairman advised that Bio Energy was not on the work plan but a paper would be brought to the Committee in October.

Consideration was given to the 3 Rivers Development Limited process map for bringing items for scrutiny. The Chairman indicated that he had signed the process map off but understood that the committee may wish to consider it further.

Consideration was given to whether the Scrutiny Committee should just focus on the 3 Rivers Business Plan or should the committee consider the 3 Rivers accounts, therefore considering both organisational and financial risk.

It was **AGREED** that the following wording be altered to read – last bullet point: ‘Audit Committee will continue its regular review of risk and financial performance regarding 3RDL’.

60 **ACCESS TO INFORMATION EXCLUSION OF PRESS AND PUBLIC**

The Monitoring Officer provided a response to the question raised in Public Question Time stating that this matter involved a legal agreement and therefore the decision and any documents remained confidential.

Consideration was given to:

- The fact that part of the documentation was already in the public domain and available on the Companies House website and should therefore not be embargoed.
- The fact that a confidential settlement contract was in place
- If consideration of the item was discussed in public then paragraph 11.3 ‘Exclusion of Access to the public to meetings’ (within the Constitution) applied.
- Whether further legal explanation was required.

It was therefore **AGREED** that the next item of business be deferred to allow for further legal advice to be obtained.

61 **CONTRACT DISPUTE SETTLEMENT 2020-2021**

This item was deferred until the next meeting, see minute 60.

(The meeting ended at 4.50 pm)

CHAIRMAN

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Update to Scrutiny Committee 11 October 2021 - Cabinet Member for Finance

The last Cabinet Member for Finance Annual Report to Scrutiny was on 19 April 2021 so this update reflects the 6 months since then. The term “unprecedented” was used last time and that has remained the situation. It has continued to be a very difficult period for the Council’s finances and a very busy time for the Finance Team as Covid-19 continues to have a significant impact both in working practices and on the budget.

Year to Date

The finance team has continued to work almost exclusively from home, albeit still fulfilling the requirements of the task. In April the team was in the process of the annual closedown. Since then the draft Statement of Accounts has been produced in good time and once again MDDC was one of the first Councils in the country to achieve this milestone. The external audit has been largely completed and the finance team is confident of an “unqualified” (in the sense of “without reservation”) opinion.

Fee income from areas reflecting public activity continues to be materially reduced compared with pre-Covid figures. For example, forecasts for annual Leisure income for 2021/22 is some £900k lower and Parking income around £100k down. Fortunately, MDDC can recover approximately two thirds of the loss incurred within the first quarter through the Government’s Income Compensation Scheme (circa £250k) but will have to shoulder any further loss across the remainder of the year. Despite this, at the end of Q1, the forecast was for a small underspend at year end largely due to maintaining strong collection levels for Council Tax and Business Rates.

There are still achievements to be celebrated in terms of Covid-19 Grant payments, such as making nearly 400 payments to residents through the Test and Trace Scheme and making grant payments to local businesses to help offset the implications of the Government’s various restrictions. Although these grant schemes have now ceased, in total nearly £40M was paid out through over 10 700 individual payments to businesses.

The team continues to work hard in keeping good control of the Council’s finances and engage proactively with the local community. I would personally like to express my gratitude to all our staff for their efforts over the past six months, noting that the latest detailed financial Cabinet report sees in-year performance broadly on track.

Medium Term Financial Plan and the 2022/23 Budget

Looking forward focus is now on the Medium-Term Financial Plan (MTFP) and the 2022/23 budget. Work has been undertaken over the summer to review the MTFP position as the starting point for the complex task of balancing the annual budget. Whilst some improvement has been achieved, the work again shows the significant challenge facing the Council in balancing the 2022/23 finances.

Considerable uncertainty remains over the future of Local Government funding. There is little clarity over the potential outcomes of the Fair Funding Review, the Business Rates Review, and the new / revised Housing Incentive Scheme destined to replace the New Homes Bonus scheme. This hinders planning for the 2022/23 budget as

large elements of underlying funding remain unclear. However, the Government have announced their intention to provide a multi-year settlement which, although unlikely to be generous, will provide one area of certainty for forward planning.

Other revenues, as already noted, continue to be affected by the pandemic. It is hard to predict when income will recover to pre-Covid levels making forecasts uncertain. Prudence demands that a cautious return to previous income levels is assumed, notwithstanding the finite risk of further lockdowns. That said, Service Managers have been challenged to stimulate demand for the Council's income-generating Services.

After considering primary incomes, options to mitigate the predicted shortfall are already being developed and include how the Council can explore more innovative ways of working and harnessing the efficiencies that hybrid working offers. Once again, ideas for sharing resources, prioritising budgets, and looking at new ways of delivering Services are under consideration. However, other threats must be kept in mind including pay / price inflation, continuing planning appeal costs above anticipated contingency, as well as the growing cost of essential asset maintenance (post Grenfell). Equally, notwithstanding a predicted budget deficit, there is Members' desire to increase expenditure in areas such as town centre regeneration, climate reduction, enforcement, and discretionary grants.

Ideas created by Members in the 2019 Away-day have now all been examined. More innovative commercial opportunities are never dismissed. However, the Government continues to increase controls on such options, notwithstanding the challenge of the wider economic climate and the need for decisions to be underpinned by rigorous due diligence.

The MTFP will be brought to Cabinet on 26 October 2021 setting out the draft budget baseline based on the best forecast information available. As always thereafter there is an opportunity for all voices to be heard in formulating the budget, balancing the complex, inter-related issues cited above. All Members have an important part to play in the process through PDG reviews of each budget area where all ideas related to income or expenditure can be considered. It's an opportunity for Members to bring ideas forward, but also responsibly consider the implications: any increased expenditure must be balanced by savings. At the end of the process, all avenues should have been raised and examined in good time. Last minute proposals aren't helpful. Most new ideas take time to consider so Members are encouraged to engage as early in the process as possible.

Conclusion

The year to date is progressing steadily and will continue to be monitored closely. The most pressing task is preparing the 2022/23 budget. Background work has been ongoing, and the consultation process begins in earnest in the next few weeks. All Members have a part to play in developing responsible spending plans and a balanced budget for the Council.

Cllr A Moore
Cabinet Member for Finance

SCRUTINY 11 OCTOBER 2021

SCRUTINY UPDATE – CUSTOMER SERVICE IMPROVEMENT PROGRAMME

Cabinet Member(s): Cllr Nikki Woollatt
Responsible Officer: Corporate Manager for Digital Transformation & Customer Engagement

Reason for Report: The purpose of the report is to provide Scrutiny with an update of planning for activities relating to a series of recommendations made by the committee in 2020.

Recommendation: To note the update.

Financial Implications: Budget implications relate to capital and revenue for some of the projects identified in the programme. Funding will be dealt with via separate business cases and within council budget setting processes. There is no additional budget impact identified at this time.

Approved by Finance: [yes/no – include name/post title, eg Group Manager for Financial Services]

Budget and Policy Framework: This report sits within the current budget and policy framework.

Approved by Finance: [yes/no – include name/post title, eg Group Manager for Financial Services]

Legal Implications: To ensure that all Customer Service in the council is able support all members of our communities.

Approved by Legal: [yes/no – include name/post title, eg Group Manager for Legal Services]

Risk Assessment: [start text here and continue without indenting]

Approved by Performance/Governance: [yes/no – include name/post title, eg Group Manager for Performance, Governance and Data Security]

Equality Impact Assessment: Engagement activities within the programme will strive to ensure participation is offered to the broadest cross-section of our communities via a variety of methods.

Relationship to Corporate Plan: To ensure that the Council provides access to services for customers in whatever way they choose to transact with us. Ensuring extended access via digital means and improving the way that we hold information and deliver our services to customers, placing them at the centre of what we do

Impact on Climate Change: Review and improvement of our customer service across the council has the potential to increase digital access by understanding and removing barriers. Encourage reduction in paper, travel to Phoenix House and enabling mobility of our officers within our communities decreasing travel.

1.0 Introduction/Background

- 1.1 At the end of 2019 a Scrutiny Working Group looking at the Customer Experience was convened.
- 1.2 The working group agreed Terms of Reference focussed primarily on the current ICT system(s), the handling of service requests and complaints and communications between departments.
- 1.3 The finalised report and recommendations below were approved by Cabinet in August 2020.

2.0 Outcomes and Recommendations

- 2.1 The recommendations of the Scrutiny working group were as follows:
 - That a business case for a new Customer Relationship Management (CRM) system to replace the existing technology is developed and considered by the Cabinet. That any new system be designed with customer need at the centre of the process.
 - That systems work to full capacity and meet the needs of the customer first and foremost. Back offices should carry out service reviews and review business processes to ensure they are customer focused.
 - To ensure customers are at the heart of the Council, a customer focused culture should be promoted across the whole organisation - for all staff from the top down. This could include training (for Leadership Team, Officers and Members), Members/staff workshops or the use of advocates/case studies to promote a new system.
 - That a customer survey is carried out with members of the public regarding their experience and satisfaction as customers of the Council. Results are reported back to the Working Group when available.
 - That the Planning Department consider re-establishing a dedicated phone answering system, to ensure officers have capacity to focus on applications
 - That the phone waiting times are reduced. A review of why the Service Level Agreement is not being met is carried out.

3.0 Activities to date on recommendations

- 3.1 CRM - Market Engagement took place in 2020 for information gathering on market options. This resulted in a number of suppliers providing demonstrations and overviews of their systems. These were attended by Cllrs Woollatt, Daw and Knowles and a small number of senior officers in order to understand the possibilities that a new CRM or Digital Platform could provide.
- 3.2 ICT resources have been low during the interim period, with recruitment issues focussing us on operational priorities. Additional resource has been found and we are currently recruiting for a Project Manager to move this forward. We hope to have this resource in place during the Autumn at which

point we will commence work on the benchmarking for the business case and preparation for the procurement exercise.

- 3.3 Customer Survey – A survey took place over a period of 12 months with over 3,000 respondents. Predominantly this response was due to the efforts of the Customer Services team. Results of the survey were published to members via the Weekly Information Sheet for w/c 28/08/21. **See Appendix A**
- 3.4 The results of the survey will be further utilised as we look at building the solution of the new CRM/Digital Platform, providing context for the business approach and solution design. As part of the Customer Service Improvement Programme of activities we have engaged with the Portfolio Holders for Working Environment and Continuous Improvement as we develop a set of standards around Customer Service. We are liaising with these members to confirm a short set of questions around satisfaction that we will look to rollout across multiple services in order to obtain continuous and real-time feedback moving forward.
- 3.5 Customer Focussed Culture - A Member Workshop took place in March facilitated by the South West Contact Centre Forum, which MDDC is a member of. In addition to this we are planning to survey members on their training needs around Customer Service to help support and improve how we manage customer communication and interactions at all levels of the organisation.
- 3.6 Staff Training – Planning for staff training is in progress around a set of standards to be determined and agreed via the Customer Service policy review due to Community PDG and Cabinet in November.
- 3.7 Planning Department – From 6th September there will be dedicated telephone resource in the service to manage queries and act as liaison for the wider service and organisation. These lines will be staffed Monday to Friday. Details will be provided to Members.
- 3.8 Call Wait Times - Times continue to be below target. A wider and more comprehensive review within the budget window and as part of project planning for changes to the way we work needs to take place, but the known causes for this are as follows:
 - Increased telephony contacts as opposed to visits
 - Staff turnover
 - Fixed Term/Temporary Contracts adding to retention issues
 - Covid Activities, e.g. increased Grant/Isolation queries
 - Requirements to address more at first point of contact mean calls are longer
 - As an entry level into the wider council Customer Services staff frequently take the opportunity to move on to services as vacancies become available.

It should be noted that the calls answered remain well above target, indicating that we are still connecting with our customers and not experiencing

significant numbers of abandoned calls. Thereby, being within customer tolerances.

4.0 Continuing Member Involvement

- 4.1 The Portfolio holder for Working Environment will sit on the project board for the CRM/Digital Platform procurement and implementation. Members will also be invited to attend workshops and participate in campaigns and engagement exercises with the public.
- 4.2 The Portfolio holders for Working Environment and Continuous Improvement are currently engaged with Customer Services on the Customer Service Improvement Programme as stakeholders and as above are assisting with a review of policies, identifying standards and survey requirements.

Contact for more Information: Lisa Lewis, Corporate Manager for Digital Transformation & Customer Engagement

Circulation of the Report: Cabinet Member

List of Background Papers:

CUSTOMER SATISFACTION SURVEY RESULTS

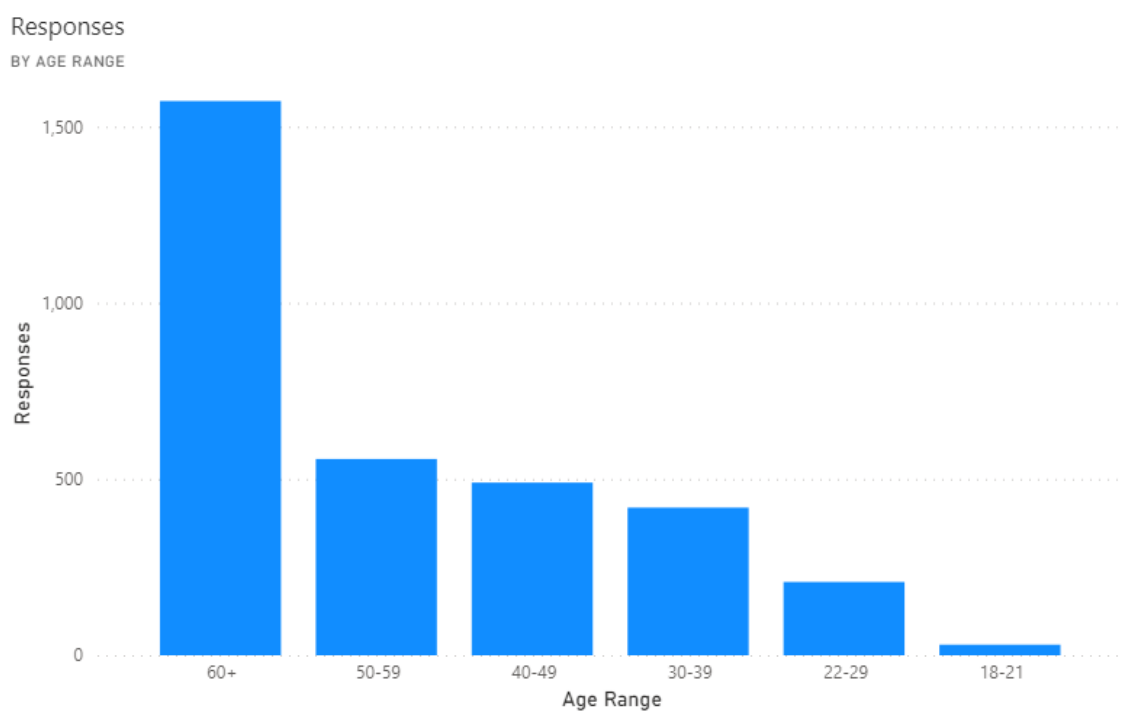
2020-21

- Total Responses to Survey – 3277
- 1573 respondents were 60 – equating to 48%
- 1704 were under 60 – equating 52%

(NB. Percentages quoted are rounded up).

Age of Respondents

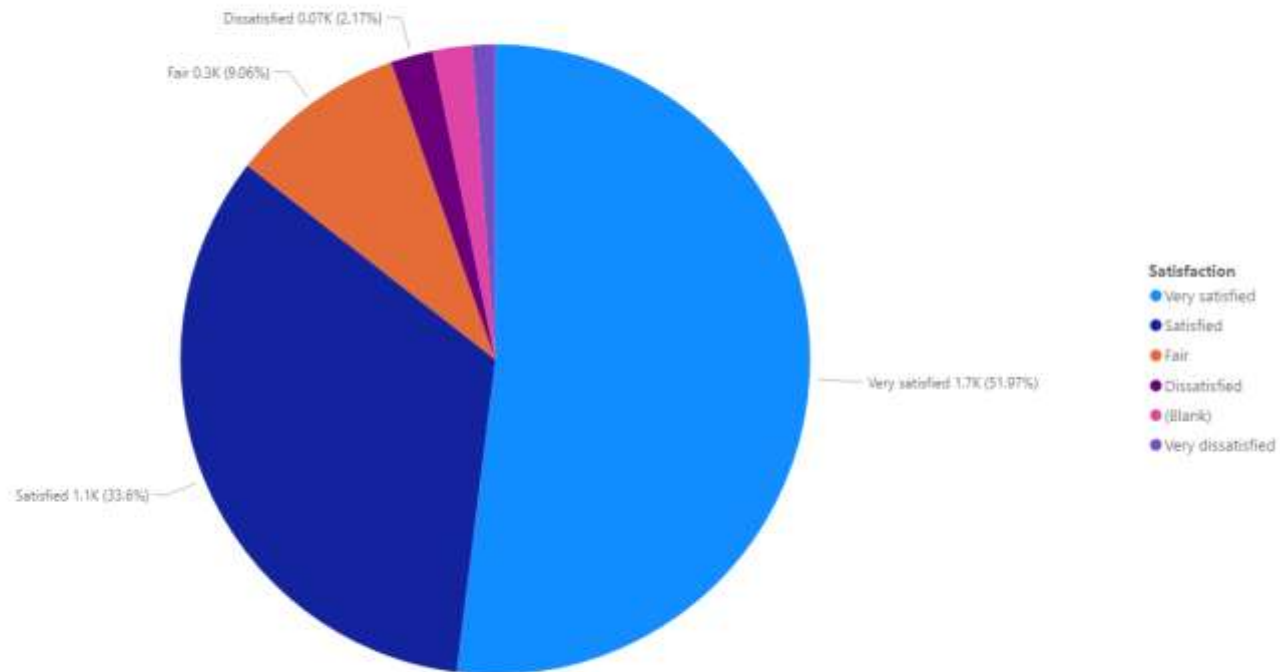
One of the purposes of asking the age range of the respondent was to identify access to digital and contact preference. Results will be detailed below.



Satisfaction

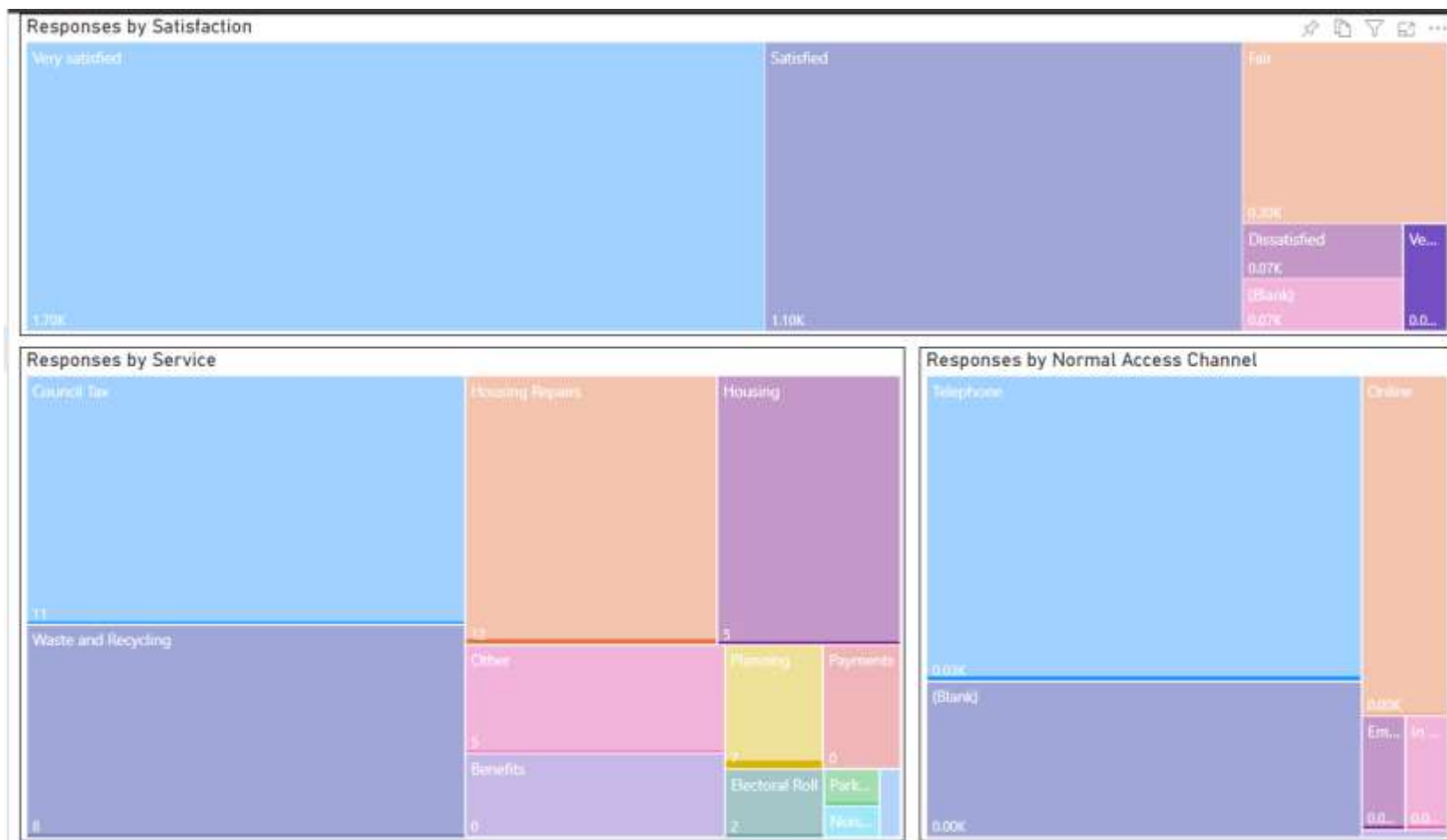
- Very Satisfied/Satisfied 86%
- Very Dissatisfied/Dissatisfied 3%
- Did not respond 2%

Respondent ID
BY SATISFACTION



Dissatisfaction with Services

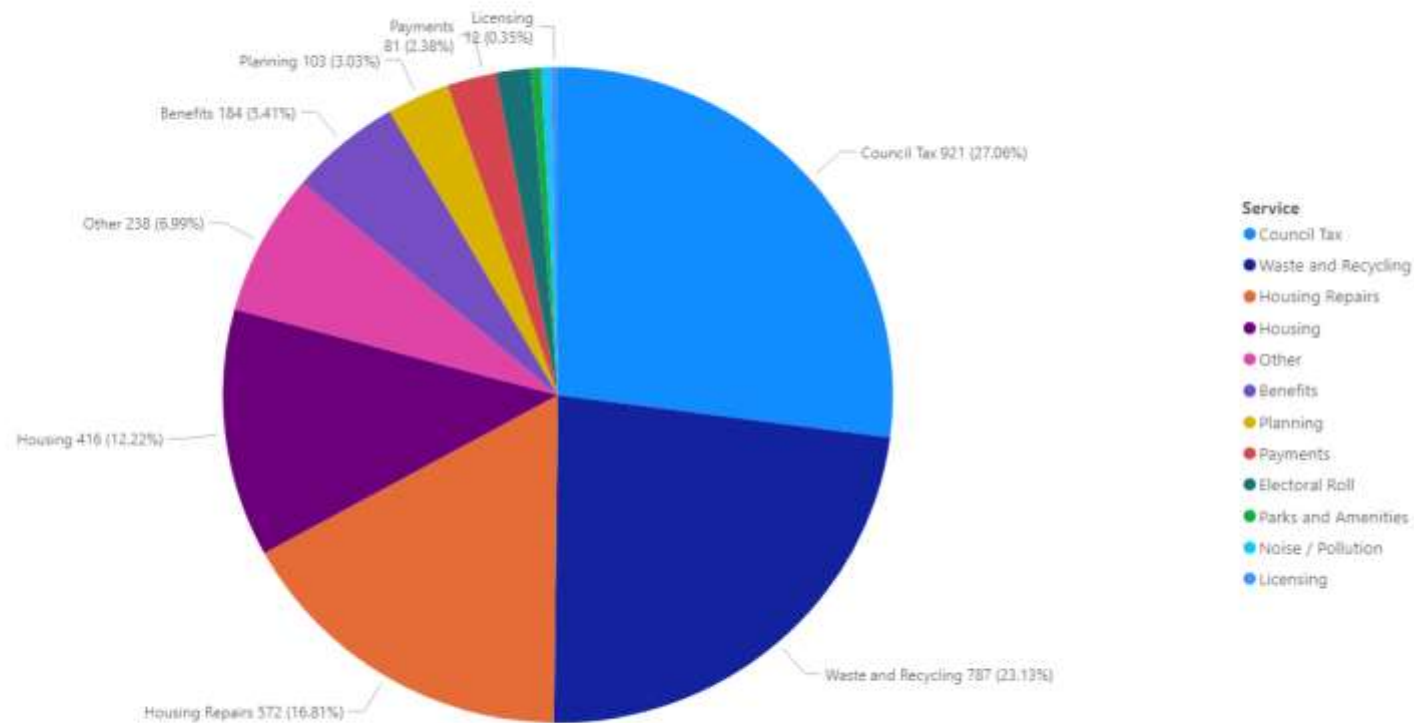
When asked about their dissatisfaction with their contact with the Council we captured the service information. You can hopefully see from the graph below that the levels of dissatisfaction are low and understand with which services. The below graph is filtered to show the Very Dissatisfied results. It is a little difficult to see, but the 'bright' areas are where the customer responded that they were not happy.



Service Contact

The graph below shows the services which the respondents were contacting us about. As always, the top contacts are for Council Tax, Waste/Recycling, Housing Repairs and Tenancy.

Count of RespondentID
BY SERVICE



Resolved at first point of Contact/Avoidable Contact

When asked about their last/current contact with the Council, respondents reported that 50% of their calls were resolved at first point of contact. 29% did not respond to the question and 21% called back one or more times – There is more work to do to understand this. Unfortunately at this time we are unable to identify why issues/queries were not dealt with at first point of contact. Lockdown and home working with no notice will have had an impact on the figures, but due to system constraints we cannot report on this. As we review services and our system we will look to improve reporting so we can better understand the nature or reason for the additional calls.

Respondent ID

BY CALL OUTCOME

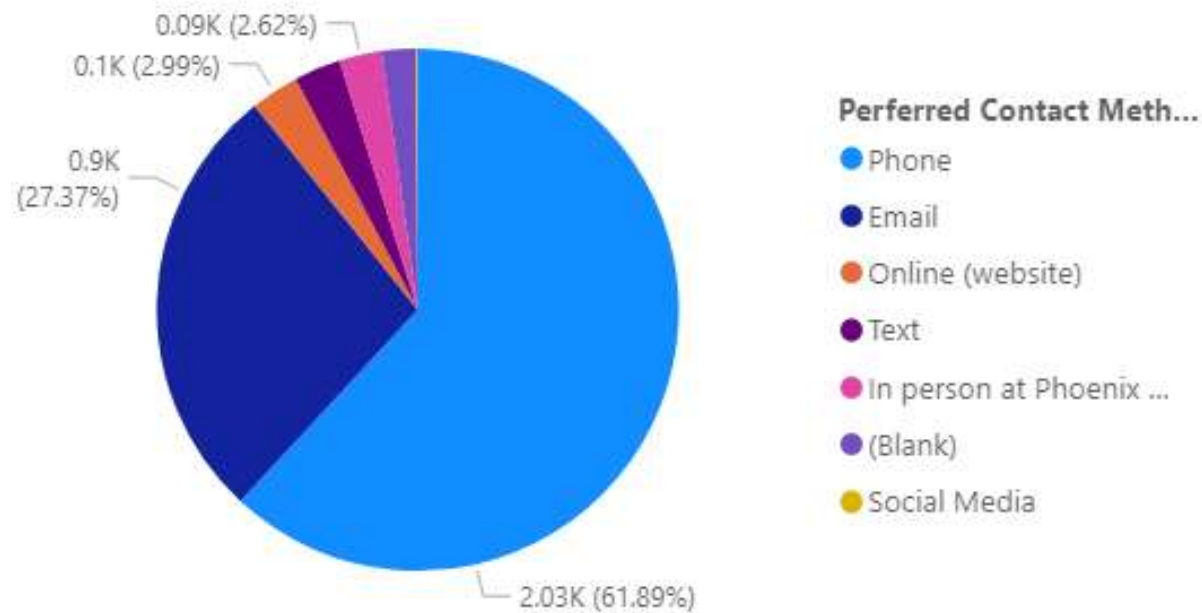


Preferred Contact Method

Customers were asked what was their preferred method of contact/transaction channel with the Council. Given Covid uncertainty and the majority of respondents were surveyed by telephone the numbers aren't a surprise.

Responses

BY PERFERRED CONTACT METHOD

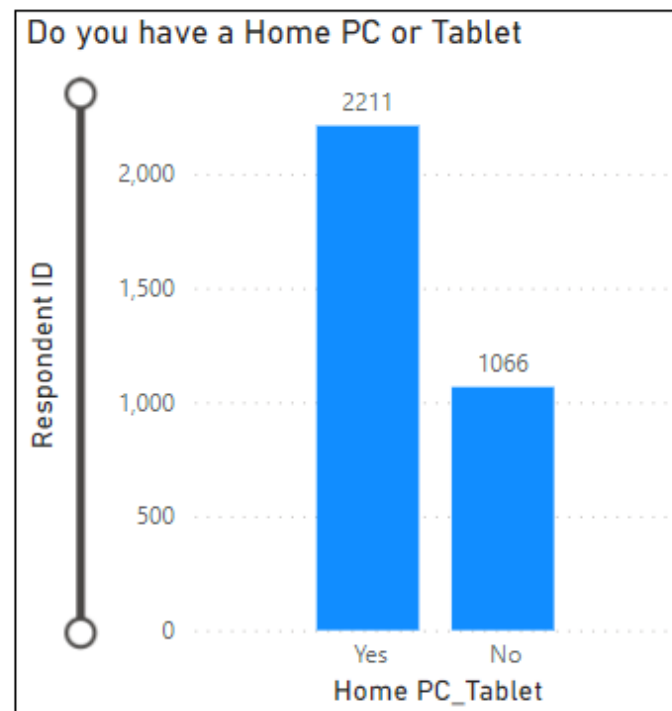
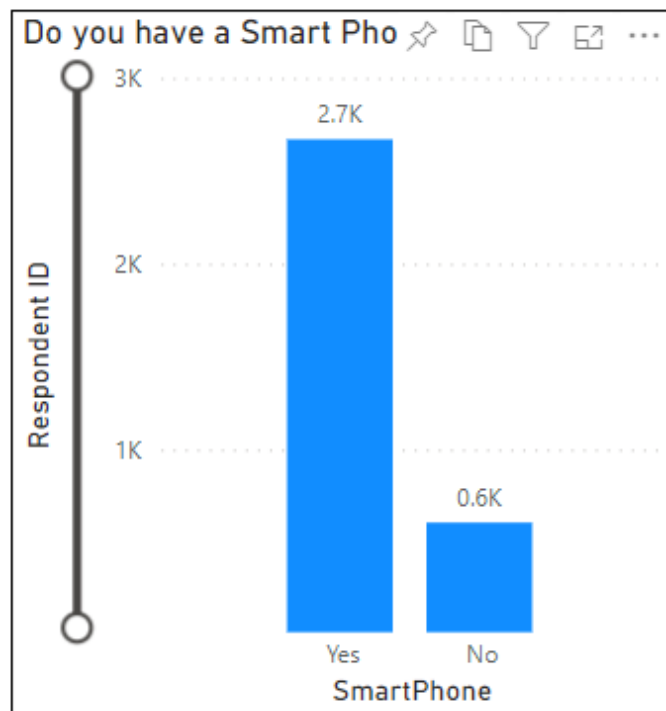


Access to Digital

Access to a Smartphone – Yes 81% - No 19%

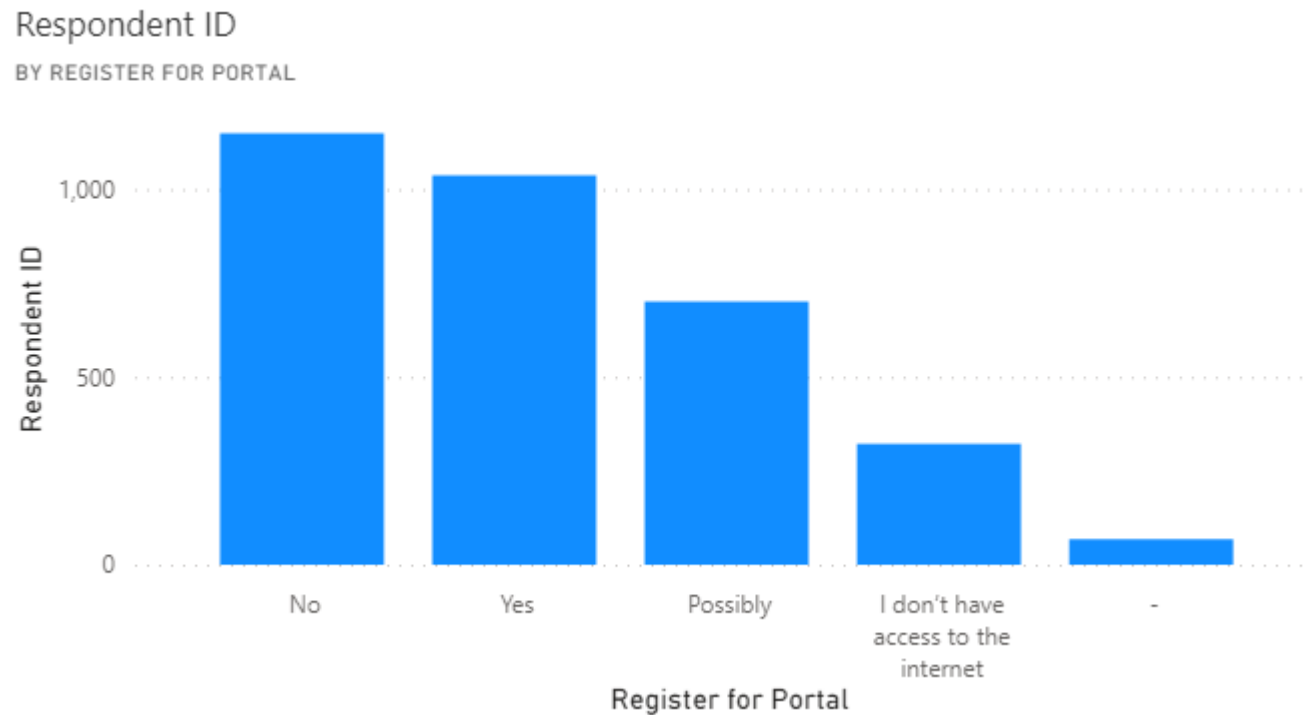
Access to a PC/Tablet – Yes 67% - No 33%

We have also established via our website that our customers are shifting to iOS/Apple devices over Windows/Android in the last 12 months.



Willingness to sign up to a Customer Portal

MDDC are looking to change the system that Customer Services use and widen it out to the back office to try and improve the end-to-end customer experience. Part of that system is providing a customer portal that they can register on to log queries and service requests online and be able to look up information on the progress of their request. Below was the response on whether they were willing to do this.



SCRUTINY
11TH OCTOBER 2021

ANNUAL REPORT ON COMPLIMENTS, COMMENTS AND COMPLAINTS

Cabinet Member(s): Cllr N Woollatt
Responsible Officer: Lisa Lewis, Group Manager for Business Transformation and Customer Engagement

Reason for Report: Annual report on compliments, comments and complaints received as part of our 2 million plus contacts with customers in 2020/2021.

RECOMMENDATION: to note the record of compliments, comments and complaints

Financial Implications: None

Budget and Policy Framework:
Approved by Finance: No

Legal Implications: None

Risk Assessment: Accurate recording and monitoring of complaints is good practice and ensures openness and accountability to all customers.

Equality Impact Assessment: Compliments, comments and complaints are received by a variety of means which ensures that there is equality of opportunity for all customers. In addition, where there is a need Customer Services staff will always assist in the recording of these communications and complaints. There is also an interpretation service available.

Relationship to Corporate Plan: To ensure that the Council provides access to services for customers in whatever way they choose to transact with us. Ensuring extended access via digital means and improving the way that we hold information and deliver our services to customers, placing them at the centre of what we do.

Impact on Climate Change: None

1.0 Introduction/Background

1.1 The Council receives contact from customers in a variety of ways for all services. The table below shows the overall number of contacts for each method for the last 12 months covering September 2020 until August 2021

Contact Method	01 September 2019 – 31 August 2020	01 September 2020- 31 August 2021
Number of visitors to the office for enquiries	8645	1259
Telephone Payments (including automated)	63072	73388
Calls to call centre	103578	104470
Calls to direct lines (not including calls to mobiles)	312414	280063
Emails Received	In excess of 1.4 Million	1556889
Digital Payments	30857	32522
Kiosk Payments	9755	972
Online- forms submitted	44591	52597
Planning Applications	1064	2464

1.2 Traditionally this has been an annual retrospective. A report came to Scrutiny January 2021 as part of a series of delayed activities due to the pandemic. This report is to re-establish the former annual review on a new schedule.

1.3 This report provides a summary of the number of complaints, compliments and comments received for each service from 1 Sept 2020 to 31 Aug 2021 (see **Appendix 1**). An official complaint is recorded when a customer has been unable to resolve their issues with the service concerned or where the issue is more serious than a normal service request that can be resolved by officers as part of their day to day activities.

1.4 Compliments, comments and complaints are recorded on the CRM in accordance with our corporate complaints policy. The name, address and contact details of the complainant, the nature of the complaint and the outcome of the complaint investigation are all recorded.

1.5 Feedback recorded is not the totality of the expression of dissatisfaction with service delivery. For example, Customer Services record many service requests and services also record contacts/service requests in their own ICT systems. These include routine enquiries, requests for service and logging service failures which can be resolved quickly to the customers' satisfaction.

1.6 Members are provided with performance statistics for complaints via the six weekly PDG Performance Management reports and as part of the Audit cycle.

2.0 Performance Statistics

2.1 Feedback is recorded on the CRM, based on the information recorded we are able to extract the number of complaints raised at each level. Level 1 complaints are investigated by the Service Manager and Level 2 Complaints are investigated by Operational/Corporate Managers or member of Leadership Team.

2.2 Numbers of complaints upheld is recorded within the CRM.

2.3 As a measure of performance with complaint handling, the number acknowledged within 3 working days and resolved within timescales is recorded and reported on monthly as mentioned at 1.5.

3.0 What does feedback tell us?

3.1 As a result of complaints made, service managers are able to make changes to the working practices within service areas. These are also recorded in the CRM. Feedback where a change can be identified is an excellent way to improve services and respond to the needs of our customers.

3.2 Compliments received are often for members of staff who customers feel have done a good job. These are fed back to staff by line managers and in where appropriate in staff communications.

3.3 What are the numbers telling us? We are actively encouraging feedback from customers and as expected, despite being under national restrictions we have seen an increase in customer activity and transactions after the first twelve months of the pandemic. This was to be expected as our customers realised that broadly speaking we were continuing to provide most services, if a little differently.

3.4 The analysis - It is important to understand the current context or climate in which the council is working. 2021 continues to be a challenging year. Locally we have seen a high vaccination rate, but with the removal of all legal restrictions in the early summer the south west region continues to see increasing infection/hospitalisation rates. This impacts on our ability to provide normal cover for services. Over time this means that we may have seen a gap between customer expectation and our ability to deliver.

3.5 Additionally, as the customer transactions increased as we came out of the first lockdown we can see our customers moving away from the traditional telephony method of communication. Email has become an important tool, but this can be a time consuming and inefficient way for customers to transact with us. This will be something that we need to consider for the future as we review our customer based policies and consider the case for a new Customer Service system.

3.6 We have seen a 41% increase in Complaints, comparatively to the year before. We have also seen increases in Compliments (32%) and Comments (33%), indicating that our customer behaviours are returning to a 'near normal' and that their expectations and experience of services is returning to pre-Covid levels. Samples of compliments received can be found at **Appendix 5**.

3.7 The Complaints Policy and Customer Care Policy are due for review this Autumn, currently scheduled for the relevant Committees in November. Additional guidance in the management of Housing complaints was received and this will be factored into the review.

3.8 In light of the above policy review, and as part of the Customer Service training requested following Scrutiny and Cabinet recommendations, the authority will be reviewing complaints training for managers as a substantive part of that work.

4.0 Referrals to the Ombudsman complaints service

4.1 11 complaints were made to the ombudsman by residents. Only one of these was upheld by the ombudsman. A summary of complaints to the Ombudsman 2019-20 (the latest available) is provided at **Appendix 2**.

4.2 The Local Government Ombudsman Annual review letter is provided at **Appendix 3**.

4.3 For comparison, a table of neighbouring authorities and their ombudsman cases has been provided at **Appendix 4**.

Contact for more Information: Lisa Lewis, Group Manager for Business Transformation and Customer Engagement

Circulation of the Report: Cabinet Member seen and approved [yes/no – name of Cabinet Member], Leadership Team seen and approved [yes/no]

Complaints, Compliments and Comments

Fig. 1

Feedback Received	01 September 2019 To 31 August 2020	01 September 2020 To 31 August 2021
Complaints received	252	354
Invalid or withdrawn complaints	0	0
Comments received	101	134
Compliments received	100	132
Number of complaints at level 2	30	40
Number of complaints at level 2 upheld	7	15
Number of complaints at level 1 upheld	60	83
Number where a change was made to the service procedures as a result of the complaint	4	6
Open at start of date range	147	170
Open at end of date range	238	238

Percentage change - Processed and/or Completed

	2018/19-2019/20	2019/20 -2020/21
Complaints	34% DECREASE	41% INCREASE
Compliments*	32% DECREASE	32% INCREASE
Comments	7% INCREASE	33% INCREASE

% change included for 01/08/2019-31/08/2019 as a comparison

Fig.2

Feedback by service – Processed and/or Completed

Feedback Processed	01 Sept 2019 to 31 Aug 2020			01 Sept 2020 to 31 Aug 2021		
Service	Complaints	Compliments	Comments	Complaints	Compliments	Comments
Abandoned Vehicles				1		
Bulky Waste		1		3		1
Business Rates	1			1		
Car Parks	5		2	3		
Community Alarms	3	1		2		
Community Safety				1	1	
Council Tax Billing	2		3	6		3
Council Tax Recovery	3		1	8		1
Council Tax Reduction						1
Customer Services	10	9	3	18	7	10
Dog Strays or Fouling	1		2	3		

Economic Development	1		
Electoral Register			
Environmental Issues			
Environmental Services	1	1	
Finance	1		
Fly Tipping			
Garden Waste	5	1	11
Grants and Funding			
Grass Cutting	6	3	3
Health & Safety	3		
High Hedges			
Homelessness	5	8	2
Housing Benefits	1	2	1
Housing Repairs	71	28	20
Housing Tenancy	44	16	2
Human Resources	1		
Legal Services			1
Leisure	8	1	5
Licensing			
Parks and Flower Beds	2		1
Planning			
Planning - Development Control	23		2
Planning - Forward Planning	1		
Play Areas			
Pollution Inc. Noise	2		
Private Sector Housing	3		
Property Services	11		4
Recycling	18	6	15
Refuse Collection	20	17	18
Street Cleansing		5	5
Waste Transfer Station		1	
Totals	252	100	101

1		
3		1
6	2	
1		1
2	2	2
7	1	6
1		
5	2	1
5		
2		
6	6	
2	2	
74	51	74
70	18	2
2		1
4		
1		
2		
37	6	2
2		
	1	
2		
4		
4		1
26	13	10
36	14	14
3	6	3
354	132	134

Fig.3

*Compliments not recorded in CRM – recording process to be amended going forward under a system replacement.

Fig.1 relates to items received.

Fig.2 relates to comments processed through to completion. The totals will differ based on a number of cases (particularly complaints) remaining 'active' on the dates selected for reporting. Complaints can take a number of days to complete.

Ombudsman referrals 2020-2021

Reference	Authority	Category	Received
20014475	Mid Devon District Council	Planning & Development	30 Mar 2021
20006206	Mid Devon District Council	Housing	27 Oct 2020
20009575	Mid Devon District Council	Environmental Services & Public Protection & Regulation	17 Dec 2020
20010392	Mid Devon District Council	Housing	11 Jan 2021
20007583	Mid Devon District Council	Planning & Development	11 Nov 2020
20012503	Mid Devon District Council	Corporate & Other Services	19 Feb 2021

Local Government & Social Care OMBUDSMAN

21 July 2021

By email

Mr Walford
Chief Executive
Mid Devon District Council

Dear Mr Walford

Annual Review letter 2021

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

Complaint statistics

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

Supporting complaint and service improvement

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

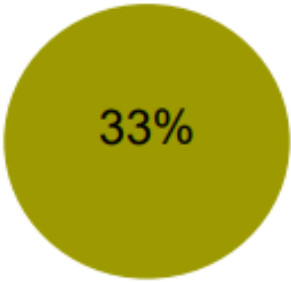
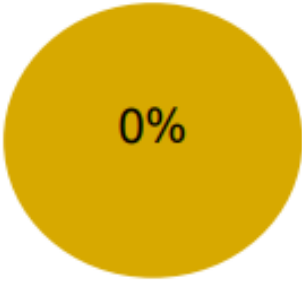
With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld		
	<p>33% of complaints we investigated were upheld.</p> <p>This compares to an average of 53% in similar authorities.</p>	<p>1 upheld decision</p> <p>Statistics are based on a total of 3 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>
Compliance with Ombudsman recommendations		
No recommendations were due for compliance in this period		
Satisfactory remedy provided by the authority		
	<p>In 0% of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of 16% in similar authorities.</p>	<p>0 satisfactory remedy decisions</p> <p>Statistics are based on a total of 3 detailed investigations for the period between 1 April 2020 to 31 March 2021</p>

NOTE: To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

Appendix 4

Local Authority Benchmarking

Authority	Number of Complaints Investigated	Complaints Upheld
East Devon	2	1
Mid Devon	3	1
North Devon	5	3
South Hams	5	2
Teignbridge	3	0
Torridge	3	2
West Devon	2	1

Appendix 5

Sample Compliments received – names and addresses have been removed but all other content as received.

Customer Services

November 2020

Ive just got off the phone with one of your staff members named Andrea who advised me her role was customer service, pressing number 4 to speak to some one regarding me bill and payments

I would like to send back some feedback about this human being... This lady has gone above and beyond to comfort me and respect me, she has made me feel relaxed and showed alot of compassion and empathy she respected me with integrity and dignity,... She has explained in great detail how she was able to help me today with my bill... Has provided me with reassurance that I will be okay and restored my faith in businesses and more importantly people today... I cannot speak highly enough of this wonderful women and would like to thank her ever so much for respectfully leaving me with dignity reassuring me there is support available and comforting me when I showed concern June 2021

Just a few lines to say thank you v. much for your prompt return of my documents re my cont claim for rent p-tax discount.

I am most gratefull and I must say very impressed with your offices speed and efficiency.

July 2021

Thank you for my above permit, which I received today. However, it would have been too late for my bin collection which was yesterday 1 07 21 had it not been for the fact that Emily (I dont know her surname) went out of her way to make sure my bin was emptied even though my previous permit expired on June 30th 2021.

I had renewed my subscription in good time 15 06 21 but had not received my permit when I phoned your office on 29 06 21. I was told that due to a clerical error my payment hadn't been recognised and therefore no permit issued.

Had it not been for Emily I would have lodged a complaint as to why this error occurred.

You are very fortunate to have such a conscientious, understanding and pleasant person working in your department.

I would again like to thank Emily for everything she did.

Housing Benefits

April 2021

Miss XXXXX has called in to pay a compliment to Mrs Pedrick from the Benefits Team. Miss XXXXX suffers from anxiety and worried about the Benefit decision notice, She has called in several times and spoken to Mrs Pedrick who has helped her each time and been amazing. She has taken time to explain things and made Miss XXXXX feel at ease, so is no longer

anxious when making future telephone calls. Miss XXXXX would like to thank Mrs Pedrick sincerely for all of her help and advice. She has been amazing.

August 2021

This is a message of thanks to any and all people who work in the Benefits section of MDDC, regardless of whether or not I've had direct contact with you, and to MDDC staff in general.

My name is XXXXX and would like to thank you all. You have, collectively, been helpful, efficient, kind, polite and speedy in all my dealings with you, from "front of house" reception, through to telephone Enquiries, and all office staff, whether working from home or the Offices.

Since moving to Tiverton some five years ago I can find no fault with any member of staff, but the service offered throughout the pandemic has been exceptional, and I would like you all to know how much that has been appreciated. Last Friday I put a form, plus two bank statements, in the post box at 12.30pm. At 8.30am the next morning the bank statements were posted back to my house. How could I fail to be impressed?!

So sincere thanks to all at MDDC. I hope this message is circulated to everyone.

Stay safe.

Homelessness

May 2021

Thank you so much for everything you have done. You may see it as only doing your job, but me and my family see you as a saviour. Everything is looking so much brighter now and we have you to thank for it, I really can't thank you enough.

Waste & Recycling

August 2021

We would like to thank the refuse crews who collect our rubbish, they do a wonderful job! Each time they completely empty our bins and leave the correct ones very neatly stacked. This is in total contrast to the neighbouring authority from which we have recently moved. This great service is much appreciated, thank you all!

July 2021

Just wanted to say a really big thank you to all your teams collecting our rubbish. Must have been a nightmare in this heat today and they never cease to amaze me how polite and friendly they all are at all times. Please pass on that they really are appreciated and theirs is a really hard physical job and thank them all for me. Thank you

August 2021

Just a Thank You to your team collecting garden food waste on Monday 9 August. Cheerful, charming, helpful and efficient.

I know from experience that people tend to write if they want to complain - so I just wanted to add thanks and praise for a first class service.

Housing Tenancy
<p>April 2021</p> <p>Morning Sharon hope you and your family are well i just want to say thank you for helping with mr XXX if you had not contacted me he would have had a proper funeral it gives me a peace of mind to now he is buried in a beautiful place, please thank the other two ladies I spoke to</p> <p>August 2021</p> <p>Thank you for such fast service with the garage. I couldnt believe that the keys turned up on Saturday. Again would like to say thank you.</p>
Building Services
<p>May 2021</p> <p>Mrs xxxxxx of xxxxxxxxxx Cullompton called to pass on her thanks and appreciation to Jason for his professional manner and abiding by all the COVID regulations rules whilst carrying out a repair at her property today (10 05 21)</p> <p>August 2021</p> <p>Just wanted to say could you pass on to your department how pleased my husband and I were with all the work they have done this week putting in our new heating. Although I was a work for most of the week my husband couldn't praise them enough on their efficiency and tidiness all week.</p> <p>There helpfulness in all aspects of the work done was fantastic and we couldn't be happier.</p> <p>Thank you again for all your help also</p>
Grounds Maintenance
<p>April 2021</p> <p>could you please pass this onto the relevant people</p> <p>My son is buried in Crediton Cemetery and my wife and I have planted snowdrops and primroses on his grave, ie in the grass not in pots, so I am always a bit concerned when the grass is cut.</p> <p>However i am glad to say that the grass cutters always seem to be very careful not to cut any flowers even when they have finished flowering and this seems to be the case for the other primroses and other flowers which I see flowering in other parts of the Cemetery .</p> <p>Please pass on my thanks to all those involved in this work for their sensitive approach to this work</p>
Environmental Services
<p>July 2021</p> <p>Can I firstly thank you for letting the staff member know of my circumstances ahead of her</p>

visit.

Secondly, I know that the council are normally only on the receiving end of criticism and so I would like to give some positive feedback and compliment the lady that came to my house today to collect the water sample. She not only gave me time to answer the door, but removed her footwear to come in, which I thought very polite of her. She was very chatty and it was lovely and refreshing to have somebody who obviously is very proud of the work she does. I didnt get her name, but Im sure you know who it is, and I would like very much for her to know that her chat with me today was very much appreciated, along with her professionalism. Could you please pass on the compliment to her.

Planning – Development Control

March 2021

I also wanted to say that I had a very positive experience with your registration team. I had a query regarding payment details and Nicki was really helpful and prompt in her responses.

July 2021

Also, just to say, you are probably the most helpful council I have come across for ages! Thanks for your swift responses it really is appreciated

MID DEVON DISTRICT COUNCIL – NOTIFICATION OF KEY DECISIONS

October/November2021

The Forward Plan containing key Decisions is published 28 days prior to each Cabinet meeting

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Information with regard to the possible creation of a Teckal compliant company To consider advice surrounding the possibility of creating a new Teckal-compliant company entity.	Scrutiny Committee Homes Policy Development Group Cabinet Council	13 Sep 2021 14 Sep 2021 26 Oct 2021 22 Dec 2021	Stephen Walford, Chief Executive Tel: 01884 234201	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
New Local Plan – Issues consultation paper To seek Cabinet approval to publish and consult on an Issues Paper for a new Local Plan for Mid Devon	Cabinet	26 Oct 2021	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Housing Strategy (final version for approval) To consider the Housing Strategy.	Cabinet	26 Oct 2021	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Medium Term Financial Plan - 2022/23 - 2026/7 To consider the Medium Term Financial Plan	Cabinet	26 Oct 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
South West Bank Update To receive an update with regard to the South West Bank	Cabinet	26 Oct 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Devon Procurement Partnership To consider a report outlining the work of the partnership	Cabinet	26 Oct 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Beech Road, Tiverton - Project Delivery To further consider the delivery of this project.	Cabinet	26 Oct 2021	Andrew Busby, Corporate Manager for Property, Leisure and Climate Change Tel: 01884 234948	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Part exempt
Draft MDDC Litter Strategy To receive the MDDC Litter Strategy	Environment Policy Development Group Cabinet	2 Nov 2021 30 Nov 2021	Darren Beer, Operations Manager for Street Scene	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Public Space Protection Order - Hemyock To receive a draft variation of the PSPO to include the land identified by Hemyock for consideration for consultation	Environment Policy Development Group Cabinet	2 Nov 2021 30 Nov 2021	Matthew Page, Corporate Manager for People, Governance and Waste	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	Open
3 Rivers Developments Ltd Business Plan To receive the 3 Rivers Development Ltd Business Plan.	Scrutiny Committee Audit Committee Cabinet	8 Nov 2021 16 Nov 2021 30 Nov 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Part exempt
Air Quality Action Plan To receive the 4 yearly review of the Air Quality Action Plan.	Community Policy Development Group Cabinet	16 Nov 2021 30 Nov 2021	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Customer Care Policy To receive the 3 yearly review of the Customer Care Policy	Community Policy Development Group Cabinet	16 Nov 2021 30 Nov 2021	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Council Tax Reduction Scheme & Exceptional Hardship Policy To receive the Council Tax Reduction Scheme and the updated Exceptional Hardship Policy.	Community Policy Development Group Cabinet	16 Nov 2021 30 Nov 2021	Dean Emery, Corporate Manager for Revenues, Benefits and Recovery	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Cullompton Relief Road HIF Project To consider the outcome of the Levelling Up Fund bid	Cabinet	Not before 30th Nov 2021	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Part exempt
Tiverton EUE Area B Masterplan To consider the outcome of the playing pitch and sports provision review	Cabinet	Not before 30th Nov 2021	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Complaints Policy To consider a revised policy	Cabinet	30 Nov 2021	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel:	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
			01884 234981		
Schedule of Meetings for 2022/23 To consider the Schedule of Meetings for 2022/23	Cabinet Council	30 Nov 2021 22 Dec 2021	Stephen Walford, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Bob Deed)	Open
Infrastructure Funding Statement To agree the statement for publication.	Cabinet	Not before 30th Nov 2021	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Review of Development Management Discretionary Fees and Charges To consider and agree a revised schedule of fees and charges.	Cabinet	Not before 30th Nov 2021	Myles Joyce, Consultant Development Management Manager	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Tiverton Town Centre Masterplan To agree the draft masterplan for public consultation.	Cabinet	Not before 30th Nov 2021	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Cullompton Railway Station To receive a project update.	Cabinet	Not before 30th Nov 2021	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Custom and Self Build Supplementary Planning Document To consider the draft for consultation	Cabinet	Not before 30th Nov 2021	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Mid Year - Treasury Management Update To receive an update on the Treasury Management Strategy	Cabinet Council	30 Nov 2021 22 Dec 2021	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Crediton NHS Hub Phase 2 To consider a funding request.	Cabinet	4 Jan 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Part exempt

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Tax Base Calculation To receive the statutory calculations necessary to determine the Tax Base for the Council Tax	Cabinet Council	4 Jan 2022 23 Feb 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Contracted Out Enforcement Duties Group to receive a report from on the options to engage an external contractor for additional littering and dog fouling enforcement duties in the district.	Environment Policy Development Group Cabinet	11 Jan 2022 1 Feb 2022	Darren Beer, Operations Manager for Street Scene	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	Open
Shopfront Enhancement Scheme To receive and discuss information with regard to the Shopfront Enhancement Scheme.	Economy Policy Development Group Cabinet	13 Jan 2022 1 Feb 2022	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Meeting Housing Needs SPD To recommend a draft for consultation to the Cabinet	Homes Policy Development Group Cabinet	18 Jan 2022 8 Mar 2022		Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
The Tenant Involvement and Empowerment Standard Policy	Homes Policy Development Group Cabinet	18 Jan 2022 1 Feb 2022	Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing Tel: 01884 244615	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
Regulation of Investigatory Powers To receive the annual update of Regulation of Investigatory Powers	Community Policy Development Group Scrutiny Committee Cabinet	25 Jan 2022 14 Feb 2022 10 Mar 2022	Maria De Leiburne, Operations Manager Legal and Monitoring	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
Strategic Grants To receive a report from Community PDG Grants Working Group on the Strategic Grants Programme 2022-2023	Community Policy Development Group Cabinet	25 Jan 2022 1 Feb 2022	John Bodley-Scott, Economic Development Team Leader	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Health and Safety Policy To receive the annual review of the Health & Safety Policy	Community Policy Development Group	25 Jan 2022	Catherine Yandle, Operations Manager for Performance, Governance and	Cabinet Member for Community Well Being (Councillor	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
	Cabinet	3 Feb 2022	Health & Safety Tel: 01884 234975	Dennis Knowles)	
Single Equalities Policy and Equality Objective To receive the annual review of the Single Equalities Policy and Equality Objective	Community Policy Development Group Cabinet	25 Jan 2022 3 Feb 2022	Catherine Yandle, Operations Manager for Performance, Governance and Health & Safety Tel: 01884 234975	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
The Council Tax Reduction Scheme & Exceptional Hardship Policy To receive a review of the The Council Tax Reduction Scheme & Exceptional Hardship Policy which has been out for public consultation	Community Policy Development Group Cabinet	25 Jan 2022 1 Feb 2022	Dean Emery, Corporate Manager for Revenues, Benefits and Recovery	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Market Environmental Strategy To receive and discuss the draft Environmental Strategy.	Economy Policy Development Group Cabinet	13 Jan 2022 1 Feb 2022	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
Bereavement Services Fees and Charges To receive the annual review of Bereavement Services Fees & Charges	Environment Policy Development Group Cabinet	11 Jan 2022 1 Feb 2022	Andrew Busby, Corporate Manager for Property, Leisure and Climate Change Tel: 01884 234948	Cabinet Member for the Environment and Climate Change (Councillor Colin Slade)	Open
Housing Enabling SPD (S106 - Housing Need Allocation - Exception Sites) To receive a report reviewing the Housing Enabling SPD document	Homes Policy Development Group Cabinet	Not before 18th Jan 2022 1 Feb 2022	Jill May, Director of Business Improvement and Operations Tel: 01884 234381	Cabinet Member for Housing and Property Services (Councillor Bob Evans)	Open
Budget 2022/23 To consider the Budget for 2022/23	Cabinet Council	1 Feb 2022 23 Feb 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Capital Programme To consider the Capital Programme as part of the budget setting.	Cabinet Council	1 Feb 2022 23 Feb 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Capital Strategy To consider the Capital Strategy	Cabinet Council	1 Feb 2022 23 Feb 2022	Andrew Jarrett, Deputy Chief Executive (S151)	Cabinet Member for Finance (Councillor	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
			Tel: 01884 234242	Andrew Moore)	
Treasury Management Strategy 2022/23 To consider the Treasury Management Strategy for 2022/23	Cabinet Council	1 Feb 2022 23 Feb 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Policy Framework To consider the Policy Framework	Cabinet Council	1 Feb 2022 23 Feb 2022	Stephen Walford, Chief Executive Tel: 01884 234201	Leader of the Council (Councillor Bob Deed)	Open
Pay Policy To receive a report on the Pay Policy	Cabinet Council	1 Feb 2022 23 Feb 2022	Matthew Page, Corporate Manager for People, Governance and Waste	Leader of the Council (Councillor Bob Deed)	Open
Establishment To inform Members of the overall structure of the Council showing the management and deployment of officers.	Cabinet Council	1 Feb 2022 23 Feb 2022	Matthew Page, Corporate Manager for People, Governance and Waste	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
National Non Domestic Rates To receive a report detailing the statutory calculations necessary to determine the Tax Base for the Council Tax	Cabinet Council	1 Feb 2022 23 Feb 2022	Andrew Jarrett, Deputy Chief Executive (S151) Tel: 01884 234242	Cabinet Member for Finance (Councillor Andrew Moore)	Open
Local Economic Recovery Plan To consider the plan.	Economy Policy Development Group Cabinet Council	17 Mar 2022 5 Apr 2022 27 Apr 2022	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Unauthorised Encampment Policy To receive the 3 yearly review of the Unauthorised Encampment Policy	Community Policy Development Group Cabinet	22 Mar 2022 7 Apr 2022	Andrew Busby, Corporate Manager for Property, Leisure and Climate Change Tel: 01884 234948	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Safeguarding Childrens and Adults at Risk Policy and Procedures To receive the annual review of Safeguarding Childrens	Community Policy Development Group	22 Mar 2022	Matthew Page, Corporate Manager for People, Governance and Waste	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
and Adults at Risk Policy and Procedures	Cabinet	7 Apr 2022			
Channel Access Policy To consider a revised Policy	Cabinet	5 Apr 2022	Lisa Lewis, Corporate Manager for Business Transformation and Customer Engagement Tel: 01884 234981	Cabinet for the Working Environment and Support Services (Councillor Nikki Woollatt)	Open
Custom and Self Build Supplementary Planning Document To consider the draft SPD	Cabinet	Not before 8th Mar 2022	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Town and Parish Charter To receive the 3 yearly review of the Town and Parish Charter	Community Policy Development Group Cabinet	22 Mar 2022 5 Apr 2022	Sally Gabriel, Member Services Manager Tel: 01884 234229	Cabinet Member for Community Well Being (Councillor Dennis Knowles)	Open
Tiverton A361 Junction HIF Scheme To consider the outcome of the tender process.	Cabinet	Not before 5th Apr 2022	Adrian Welsh, Strategic Manager for Growth, Economy and	Cabinet Member for Planning and Economic Regeneration	Part exempt

Title of report and summary of decision	Decision Taker	Date of Decision	Officer contact	Cabinet Member	Intention to consider report in private session and the reason(s)
			Delivery Tel: 01884 234398	(Councillor Richard Chesterton)	
Non Statutory Interim Policy Statement on Planning for Climate Change To consider the policy statement	Cabinet	Not before 7th Jun 2022	Adrian Welsh, Strategic Manager for Growth, Economy and Delivery Tel: 01884 234398	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open
Meeting Housing Needs Supplementary Planning Document To consider the draft SPD	Cabinet	Not before 7th Jun 2022	Tristan Peat, Forward Planning Team Leader	Cabinet Member for Planning and Economic Regeneration (Councillor Richard Chesterton)	Open

Mid Devon District Council – items for agenda

This form should be completed by Member(s), Officers or members of the public when proposing an item for Scrutiny or a PDG.

Proposer's name and title	Cllr Graeme Barnell	Date	Sept 2021
Proposed issue and brief description	Bio-energy industry: An inter-authority review of the bio-energy industry - to examine the business structure, funding, history and impacts of the Bio Energy Industry in Devon including the history of Planning applications.		
Background	<p><i>(E.g. Why should Scrutiny/PDG look at this issue? Is this a new issue or one that is already on the Forward Plan? Is it of concern to residents?)</i></p> <p>Please see attached paper.</p>		
What will the outcome be?	<p><i>(E.g. a recommendation to Cabinet to improve a service; an opportunity to lobby on an issue that immediately affects Mid Devon residents; an initial discussion on an issue that might then lead to further Scrutiny/PDG review)</i></p> <p>An inter-authority inquiry into the Bio-Energy Industry in Devon led jointly by local authority Scrutiny Committees.</p> <p>This inquiry to be jointly commissioned by the Scrutiny Committees of those Devon Planning Authorities that are willing to take part. This work is not something that can be done effectively by a single authority.</p> <p>The Inquiry will examine the business structure, funding, history and impacts of the Bio Energy Industry in Devon including the history of Planning applications.</p> <p>The Inquiry will examine the adequacy of the national and local framework of regulation and policies and make recommendations for changes to that may be required including:-</p> <ul style="list-style-type: none"> • local and national planning arrangements and policies, including the possibility of joint planning approval and enforcement. • regulation of environmental and health impacts • highways management policies • energy tariff arrangements <p>The work of commissioning and overseeing this Inquiry is led by a committee of elected members chosen from each of the participating authorities.</p>		

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Paper from Cllr Barnell to support the Proposal form on Bio Energy Industry

The Bio Energy Industry

How does this industry work?

Bio Energy is rapidly expanding Industry in both Devon and the South West as a whole. At its hub are a network of large AD (Anaerobic Digester) Plants located in rural settings.

Anaerobic Digestion (AD) is a natural process in which micro-organisms break down the organic matter found in biomass waste (such as sewage sludge, animal manure, slurry, and waste food) and energy crop feedstocks (such as maize, miscanthus and straw) in the absence of oxygen, to produce biogas (a mixture of methane and carbon dioxide) and digestate (a nitrogen rich fertiliser). The biogas can be burned directly in a gas boiler to produce heat or burnt in a combined heat and power unit to produce heat and electricity. Alternatively, the biogas can be cleaned to remove the carbon dioxide and other substances, to produce biomethane. This can be injected into the national gas grid to be used in the same way as natural gas, or used as a vehicle fuel.

AD Plants are fed by a complex interconnected supply chain of biomass product that is often transported regionally using HGV and large tractor/Trailer combinations. As well as energy the AD plants produce an important subsidiary digestate by-product that requires a network of large storage lagoons and a distribution chain involving farms willing to buy the product for spreading on the land. All this again requires a large geographic distribution network involving routine transportation either by large tanker lorries or tractor trailer combinations

The network of different companies involved in the developments of AD plants and digestate storage lagoons gives the initial impression of a diverse and competitive industry based on local farming businesses. However In Devon the set up costs of this industry appear to be supported and funded primarily by a single London based Venture Capital company. The activities and interests of this Company are extended via the creation of a confusing assortment of localised Joint Investment Companies that either bring in additional investment from landowners and farmers and/or are responsible for the day to day operation of the plants.

This is all qualitatively and quantitatively different to small scale AD plants based on local farm activity and product.

Isn't the Bio Energy Industry green?

The Bio Fuel business is a rapidly growing regional and national industry based on Govt. "green subsidies" (e.g. energy tariff subsidies, subsidies for monocultural fuel crops like Maize). Both Bio-Gas and the feedstock required for its production are both heavily subsidised by the taxpayer as so called "green" energy.

The Industry requires the transportation of large volumes of bio-fuel from a widespread network of growers to energy generating AD (Anaerobic Digester) plants. The distribution of large quantities of waste "digestate" is then sent to a network of storage lagoons across Devon. From there it is distributed to a wider network of local farms for use on the land. All

this involved thousands of, often lengthy, journeys involving large HGV's and Tractor/Trailer Combinations, all powered by very large diesel engines.

Isn't this Industry Regulated?

There is no national policy on the regulation and development of the Bio Energy Industry. There is a plethora of complex and sometimes overlapping planning and regulatory responsibilities and therefore a history of confusion and the passing on of responsibility between regulatory agencies. To date It has not been possible to establishing and implementing consistent regulatory policies across Devon. Neil Parish MP has had discussions with the Chief Executive of the Environment Agency and asked for legislation to give more powers to the EA.

How have Planning Authorities responded?

The Bio energy Industry actively promotes the widespread confusion that exists between its activities and small scale AD plants and digestate distribution based on local farms. The latter are clearly a legitimate and largely beneficial approach to recycling bio-mass and producing green energy. The Bio Energy Industry uses this confusion to convince Planning Authorities and local authority members into believing that their industry is eco-friendly diversification on the local farm .

Initial planning applications are usually submitted by the Bio Fuel industry on the basis of the same narrative, namely that the given enterprise will be limited in scope, be a natural extension of local agricultural activity, and, therefore, be based on one local farm of a small number of neighbouring farms. The argument is that the enterprise, is "stand alone" and is about improving the efficiency and productivity of the local Farm or farms.

In considering the individual planning applications relating to the Bio Energy industry Local Planning Authorities have tended to accept, uncritically, the industry's own narrative about the green credentials of the business and its roots in local agriculture and farming. Planning authorities have sought refuge in allowing the definition of this activity as "agricultural" within the National Planning Policy Framework.

This permits Planners to take a piecemeal approach to the planned expansion of interconnected and well organised industry being superimposed on the countryside. It obviates the need to collaborate with neighbouring Planning Authorities in the implementation of onerous Environmental Impact Regulations (2017) that apply to Industrial concerns like Bio Energy Generation. In turn this results in the impacts of the industry, especially the impact of heavy goods traffic on local communities, either being ignored or downplayed as "agricultural".

This has been made worse by the part played by DCC Highways who have not yet recognised the limitations of its expertise in understanding the impacts of large increases in the volumes of road traffic often through small rural communities. The Department's staff do not appear to recognise that the harm caused by this traffic is not limited to the physical suitability of, and/or damage to, the roads nor even the risk of accidents but is mostly about the chronic social harm to village life and the social costs to local residents. Important

impacts therefore not recognised or assessed as part of the planning process and Planning Policies referring to such harm are not applied or implemented.

As the industry has grown so has the impact of this industry on local communities and the road network, particularly in rural areas. Planning Authorities have sometimes attempted to limit the impact of this industry by setting planning conditions that attempt to determine the volume of product, transport routes and type of vehicle used to transport bio-fuel crops and the waste digestate from AD plants and from Lagoons to farms. In practice enforcement of these conditions has usually proved impossible, partly because of the remote locations of the AD Plants and Lagoons and partly because Local authorities lack the resources and the practical ways of monitoring activity.

Speaking in February 2021 at a Scrutiny Committee meeting of Mid Devon District Council, Neil Parish MP is recognised the impacts on local communities, in particular the transportation of feedstuffs going into the industrial-scale AD plants and the liquid digestate coming out as a by-product.

We understand he said, "ADs are getting bigger and bigger and getting out of all proportion. While they were a good thing in using them for waste to produce gas or electricity, what you have now is a huge amount of crop being used in them and they are becoming vast. In becoming so big they are moving stuff around all of the time. There are problems all over the place. I am trying to collate all the problems across the country to get the Government to take some action."

What can be done locally in Devon?

We are proposing:-

1. An inter-authority inquiry into the Bio-Energy Industry in Devon led jointly by local authority Scrutiny Committees.
2. This inquiry to be jointly commissioned by the Scrutiny Committees of those Devon Planning Authorities that are willing to take part. This work is not something that can be done effectively by a single authority.
3. The Inquiry examine the business structure, funding, history and impacts of the Bio Energy Industry in Devon including the history of Planning applications.
4. The Inquiry examine the adequacy of the the national and local framework of regulation and policies and make recommendations for changes to that may be required including:-
 - local and national planning arrangements and policies, including the possibility of joint planning approval and enforcement.
 - regulation of environmental and health impacts
 - highways management policies
 - energy tariff arrangements
5. The work of commissioning and overseeing this Inquiry is led by a committee of elected members chosen from each of the participating authorities.

SCRUTINY WORK PLAN 2021-2022

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
November 2021				
8.11.21	Cabinet Member for Housing and Property Services To receive a report from the Cabinet Member for Housing and Property Services on areas within their portfolio.		Cllr Bob Evans	
8.11.21 9.11.21 30.11.21	3 Rivers Developments Ltd Business Plan To receive the 3 Rivers Development Ltd Business Plan.		Andrew Jarrett	
8.11.21	Broadband Update To receive a broadband update from DCC representatives		Clare Robathan	
8.11.21	Work Plan Members are asked to note the current Work Plan for the municipal year. Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.		Clare Robathan	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
December 2021				
13.12.21	Cabinet Member for Community Well Being To receive a report from the Cabinet Member for Community Well Being on areas within their portfolio.		Cllr Dennis Knowles	
13.12.21	Police Representative To discuss Policing issues with a representative from the Police and Crime Commissioner and senior Police Officers		Clare Robathan	
13.12.21	Community Safety Partnership To receive an update on the Community Safety Partnership activities and new Action Plan which was agreed by the Community Policy Development Group for 2021-2022 and sign off 2020/21 achievements.		Simon Newcombe	
13.12.21	Work Plan Members are asked to note the current Work Plan for the municipal year. Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.		Clare Robathan	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
January 2022				
17.01.22	Cabinet Member for Planning and Economic Regeneration To receive a report from the Cabinet Member for Planning and Economic Regeneration on areas within their portfolio.		Cllr Richard Chesterton	
17.01.22	Director of Place To receive an overview of the remit from the Director of Place		Director of Place	
17.01.22	Budget To consider the initial draft 2022/23 Budget and options available in order for the Council to set a balanced budget.		Andrew Jarrett	
17.01.22	Whistleblowing 6 Month Update To receive an update from the Group Manager for Performance, Governance and Data Security		Catherine Yandle	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
17.01.22	Work Plan Members are asked to note the current Work Plan for the municipal year. Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.		Clare Robathan	
February 2022				
14.02.22	Cabinet Member for Working Environment and Support Services To receive a report from the Cabinet Member for Working Environment and Support Services on areas within their portfolio.		Cllr Nikki Woollatt	
02.22	Establishment 6 Month Update To receive an update report from the Group Manager for Human Resources on the Establishment		Matthew Page	
25.01.22 14.02.22 10.03.22	Regulation of Investigatory Powers To receive the annual update of Regulation of Investigatory Powers		Karen Trickey	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
14.02.22	Update on Menopause Working Group Recommendations To receive an update on progress of the Menopause Working Group Recommendations		Matthew Page	
14.02.22	Work Plan Members are asked to note the current Work Plan for the municipal year. Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.		Clare Robathan	
March 2022				
21.03.22	Cabinet Member for Environment & Climate Change To receive a report from the Cabinet Member for Environment on areas within their portfolio.		Cllr Colin Slade	
21.03.22	Update on Recommendations from the Planning Enforcement Working Group To receive an update on progress of recommendations of the Planning Enforcement Working Group		Director of Place	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
21.03.22	Work Plan Members are asked to note the current Work Plan for the municipal year. Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.		Clare Robathan	
April 2022				
19.04.22	Cabinet Member for Continuous Improvement To receive a report from the Cabinet Member for Continuous Improvement on areas within their portfolio.		Cllr Chris Daw	
19.04.22	Update on 3 Rivers Development Ltd Business Plan To receive an update on the 3 Rivers Development Ltd Business Plan		Andrew Jarrett	
19.04.22	Chairman's Annual Report To receive the Chairman's annual report		Clare Robathan	

Meeting Date	Agenda Item	Theme	Officer Responsible	Comments
19.04.22	Work Plan Members are asked to note the current Work Plan for the municipal year. Members to have the opportunity to discuss additional items to be investigated by the Scrutiny Committee and added to the Work Plan.		Clare Robathan	
Items for further Investigation These items are due to come before Scrutiny, timings to be confirmed.				
	Work Programming Session An informal Work Programming Session to agree items and issues to be investigated by the Scrutiny Committee		Clare Robathan	

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SCRUTINY 11 OCTOBER 2021

Contract Dispute Settlement 2020/21

Cabinet Members: Councillor Bob Evans – Deputy Leader and Cabinet Member for Housing & Property

Responsible Officers: Deputy Chief Executive (S151) – Andrew Jarrett

Reason for Report: To provide Scrutiny with an update on a specific payment made in the 2020/21 financial year.

RECOMMENDATION: That Scrutiny notes the update.

Relationship to Corporate Plan: All payments made to support the delivery of the Council's Housing Revenue Account (HRA) must demonstrate sound governance and value for money.

Financial Implications: The Council has a duty to obtain value for money.

Legal Implications: Legal advice is provided both internally and externally whenever the HRA requires it to protect the interests of the Council.

Risk Assessment: Detailed within the report.

Equality impact assessment: No equality issues identified for this report.

Impact on climate change: None.

1.0 Introduction

- 1.1 During the financial year 2020/21 the Council's Housing Revenue Account (HRA) made a contract dispute settlement of £600k to a 3rd party. All further information/discussion in regard to this payment is precluded from public disclosure due to both parties signing a legally binding confidential settlement agreement.
- 1.2 A recently published liquidator's report, has included a small amount of information pertaining to this settlement payment and has given rise to some additional public interest.
- 1.3 I have included as Appendix 1, to this report, a Part 2 document, which provides a very brief overview of the events that concluded in this settlement payment.

2.0 Conclusion

- 2.1 During the events that culminated in this payment legal advice was provided by both internal and external lawyers.
- 2.2 Both of these legal professionals/specialists concluded that the settlement decision arrived at was justifiable, prudent and proportionate given its potential liability and due to the likelihood of any recovery of costs.

Contact for more information: Andrew Jarrett, Deputy Chief Executive (S151)
 (ajarrett@midddevon.gov.uk)

Circulation of the report: Leadership Team and Cabinet

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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